

STATE OF MONTANA ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

Prepared in Support of Montana's
Five-Year Consolidated Plan
Plan Year Beginning April 1, 2000

Final Report

February 2000

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Prepared for
Division of Housing
Montana Department of Commerce

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EXECUTIVE SUMMARY

*“Treat all...alike. Give them all the same laws.
Give them an even chance to live and grow.”
Chief Joseph*

In the 1960s, the United States Congress passed sweeping civil rights legislation prohibiting discrimination in public accommodations, schools, employment, housing, and voting for reasons of color, race, religion or national origin. Title VIII of the Civil Rights Act, as amended by the Fair Housing Act of 1988, is known as the Fair Housing Act. The Act prohibits discrimination in housing based on race, color, religion, sex, national origin, familial status or disability. Montana law adds to this list age, marital status, and creed. People in groups covered by the Fair Housing Act are known as protected classes. The protection covers housing transactions, such as sales, rentals, providing real estate services, and making mortgage loans.

The Analysis of Impediments to Fair Housing is required by the Department of Housing and Urban Development for states and entitlement communities receiving federal monies from the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) programs.

The Analysis of Impediments (AI) identifies existing barriers to fair housing in Montana and charts a course to address those barriers. The goal in evaluating the issues is to seek balanced, broad-based participation from many people involved in housing. This document is not meant to further the agenda of any person or organization, but to weave the views of many into a collective tool that can be used to help Montana achieve the goals of equal and fair housing opportunities for all its citizens.

This analysis builds upon and expands the work performed for the 1996 AI. Material analyzed includes six years of lending data from the Home Mortgage Disclosure Act. It also includes additional media accounts, housing complaint records from the Montana Human Rights Bureau, the US Department of Housing and Urban Development (HUD), and Montana Fair Housing, as well as over 200 telephone interviews with people knowledgeable about housing throughout Montana.

Impediments are defined as actions, omissions, or decisions that restrict, or have the effect of restricting, housing choice for the protected classes. While five primary impediments were identified in 1996, the list has been reduced to two. These impediments are:

- Being treated with different terms and conditions when seeking rental property; and,
- Experiencing disparate treatment in rental housing.

There may be a third impediment. It was discovered during analysis of Home Mortgage Disclosure Act data. The denial rates have increased dramatically in recent years,

especially for Native Americans. It appears that a handful of out-of-state lenders, most of whom are regulated by HUD, hand out the vast majority of these denials. Consequently, it is difficult to determine if the denials accurately portray the applicant's financial status or if there are institutional barriers in the lending industry.

- There may be institutional obstacles in lending for sales of property.

Through the diligent and cooperative efforts of many agencies and organizations throughout Montana, two of the impediments identified in 1996 have been drastically reduced:

- Encountering discriminatory advertising; and,
- Facing restrictive covenants in the sale of property.

Overall, impediments to fair housing still exist in Montana, and they are faced by all protected classes, with varying degrees of frequency and severity. The Montana Department of Commerce (MDOC) carries the responsibility for certifying that HOME and CDBG grantees affirmatively further fair housing. The MDOC also is responsible for conducting the AI, taking actions to address the impediments, and monitoring the results. However, MDOC lacks the authority to solve these problems alone. The task of completely eliminating the impediments to fair housing rests on the shoulders of all Montanans.

To facilitate Montana's collective responsibility, the MDOC will:

- Provide referral to the Human Rights Bureau, HUD, the Billings Community Housing Resource Board, and Montana Fair Housing and, hereby, endorse their complaint-based systems;
- Explore with Montana's mortgage lending industry the potential reasons for the rising denial rates;
- Continue to monitor the Home Mortgage Disclosure Act information, in particular, this research will include the following:
 - Request HUD to explore and explain why the institutions they regulate in Montana (as out-of-state interests) appear to so poorly serve the citizens of Montana.
 - Request HUD to review the underwriting policies of the eight purported personal property lenders that had a combined denial rate of 74 percent in 1998, and particularly why Native Americans are denied 9 out of 10 times by these lenders.
 - Attempt to determine if the personal property loan denials are associated solely with mobile home sales, and, if so, if mobile home dealers make multiple attempts to secure an individual a loan, if at first denied a loan.
 - Evaluate whether the results of these HMDA inquiries lead the MDOC to conclude that there is an institutional obstacle in lending for sales of mobile homes. If the MDOC concludes that these conditions have created

one, the MDOC may consider other more aggressive measures designed to address this institutional obstacle;

- Explore ways to increase homeownership among all Montanans, focusing on lower-income families, single-parent households, the elderly, and Native Americans;
- Continue to provide fair housing education in MDOC programs, and inform individuals and relevant groups of fair housing education opportunities;
- Continue to consider the results or implications of complaint data provided by the Human Rights Bureau and HUD complaint data bases, and fair housing organizations' Fair Housing Initiative Program reports; and,
- Continue to monitor fair housing compliance in grantee projects and authorize grantee administrative funds for HOME and CDBG funded projects to conduct activities that affirmatively further fair housing.

To ensure that past, largely eliminated, impediments do not return, the MDOC will:

- Continue endorsing a statewide dialogue between key parties in the fair housing arena, such as real estate groups, landlord and property management associations, fair housing advocates, and interested citizens; and,
- Continue to provide information to organizations in Montana, such as realty groups, landlord associations, and the Montana Newspaper Association, about liabilities associated with discriminatory advertising practices in housing.

INTRODUCTION

Montana receives funds from the U.S. Department of Housing and Urban Development (HUD) for its Community Development Block Grant (CDBG), Home Investment Partnership (HOME), and Emergency Shelter Grants (ESG) programs.

As part of the conditions for receiving these funds, jurisdictions must certify that they affirmatively further fair housing. HUD administrative rules list three required components for affirmatively furthering fair housing: conducting an analysis of impediments (AI), taking action to eliminate the impediments, and maintaining records of the process. HUD suggests that the AI be conducted as part of the Consolidated Planning cycle, which takes place every three to five years.

The State of Montana conducted an Analysis of Impediments in 1994, shortly after the requirement for the study was announced in *The Federal Register*. Montana was the first state in the nation to complete the study. In March of 1996, HUD published new requirements for the AI and Montana revised its AI to better comply with these newer requirements. The current AI has been undertaken as part of Montana's upcoming five-year Consolidated Plan process for the planning period beginning April 1, 2000, and continuing through March 31, 2005.

What are impediments to fair housing?

Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choice

OR

Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choice on the basis of race, color, religion, sex, disability, familial status, or national origin.

The State of Montana extends protected status to its citizens based on creed, age, and marital status.

A brief history of fair housing law is presented in Appendix A.

How the study was funded

This study was funded by the Local Government Assistance Division and the Housing Division of the Montana Department of Commerce.

Commitment to Fair Housing

The State of Montana certifies in its Consolidated Plan application that it will affirmatively further fair housing in accordance with applicable statutes and the regulations governing the Consolidated Plan regulations.

The State recognizes that affirmatively furthering fair housing means it will conduct an analysis of impediments, take actions to mitigate or eliminate identified impediments under its jurisdiction, and maintain records reflecting the analysis and actions.

Methodology

The AI is a significant examination of existing information related to housing in the State of Montana. It includes quantitative analysis and qualitative research. Demographic information; media accounts; reviews of housing complaint data, both with the State's fair housing organizations and with the Montana Human Rights Bureau; past fair housing studies; and related reports were researched. Information about individual mortgage applications from across the state was analyzed to review possible discriminatory patterns in loan denials. In addition, about 100 people familiar with housing issues from a variety of perspectives participated in a telephone survey. Fair housing representatives, disability advocates, investigators with the Human Rights Bureau, state officials, and others were contacted for background information. The analysis is broken down into two basic components: primary research, which is the analysis of raw data; and secondary research, which is the review of studies conducted in the past.

Primary research

Analysis of Home Mortgage Disclosure Act Data:

The federal Home Mortgage Disclosure Act requires participating financial institutions to report race, sex, loan amount, and disposition of a loan application for all mortgage applicants. However, unlike some regulatory institutions, it does not require all financial institutions to list the reasons for the denial.¹ All individual loan application records for the period 1993 through 1998 were analyzed. Additional HMDA data tables beyond that reported in the body of this document are presented in Appendix B.

Telephone survey:

HUD suggests two alternatives to gather public testimony about perceived areas of housing discrimination for the AI. One method is to hold one or more fair housing forums, in which community members share knowledge about alleged discrimination or problem areas. The second alternative is a telephone survey, targeting individuals who are familiar with housing issues from a variety of perspectives. In 1996 and in 1999, Montana chose to conduct a telephone survey.

¹ Seven federal agencies that regulate or oversee financial institutions contribute to the HMDA database: Office of the Comptroller of the Currency (OCC), the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision (OTS), National Credit Union Administration, and the Department of Housing and Urban Development. Only the OCC and OTS require a denial reason code.

In 1996, names of about 150 people were gathered from housing resource organizations, fair housing groups, real estate organizations, banking and insurance associations, and others. About 50 names were randomly selected to contact for the telephone survey. These people were contacted first by letter and then by telephone to set up an appointment to conduct the survey. About 75 percent of the people originally contacted participated in the survey.

In 1999, nearly 200 people were contacted from housing resource organizations, fair housing groups, real estate organizations, developers, property management associations, in-need service providers, and others familiar with housing throughout Montana. These people were reached by telephone and asked a series of questions about housing availability, affordability, and fair housing in Montana. The survey instruments were tailored to each respective group. Appendix C presents a list of individuals contacted in both 1996 and 1999 and Appendix D includes the telephone interviews used in 1999 and a summary of question responses.

Complaint data:

In 1996, complaint data was downloaded from the Montana Human Rights Commission's digital database. This data was used to evaluate the frequency of the "basis," or the number of times certain protected classes filed grievances. In 1999, complaint data from the Montana Human Rights Bureau was collected as a compliment to the earlier Montana Human Rights database. Further information was received from the US Department of Housing and Urban Development about Montana complaints received over the period 1990 through 1999 and from Montana Fair Housing over the period 1995 through August of 1999.

Outreach:

Several face-to-face meetings were held with representatives from a variety of groups. These groups include: Human Rights Bureau, Montana Fair Housing, Montana Bankers Association, Montana Association of Realtors, Montana Landlords Association, the Montana Independent Insurance Agents Association, and the Montana Independent Bankers Association.

Secondary research

Both the 1996 and 1999 research included a comprehensive survey of newspaper accounts of housing discrimination, a review of previous studies related to fair housing, and a review of Fair Housing Initiative Programs (FHIP) grant reports submitted to HUD by Montana's fair housing organizations.

In the newspaper review, newspaper indexes were examined for the Great Falls Tribune, the Billings Gazette, the Bozeman Daily Chronicle, the Independent Record (Helena), and the Missoulian (Missoula) for the past five years. The newspaper search located information about well-publicized housing discrimination issues, particularly when a court decision was involved.

Analysis of Impediments Process

Two options for conducting the AI are described in HUD's Fair Housing Planning Guide, published by the Department of Housing and Urban Development. One method is to form a taskforce or commission comprised of representatives of advocacy groups, the housing industry, and fair housing organizations. Another approach is to hire a contractor familiar with the jurisdiction and knowledgeable about fair housing issues. The State of Montana used Western Economic Services, an outside contractor, to conduct the AI due to time availability and staff considerations.

BACKGROUND

Significant analysis and detail of economic, demographic, and housing data is presented in current Consolidated Plan support documents, such as the Economic and Demographic Analysis of Montana and the Montana Housing Condition Study. The analyses are presented by small, sub-county geographic areas, as well as by income, age, and sex cohort. While not duplicated in total, a few key points are listed below.

Demographic Data

Montana is generally a racially homogeneous state, with almost 93 percent of the population being white.² Native Americans make up about 6 percent of the population. Blacks, Asian/Pacific Islanders and other races comprise the remaining 1 percent. Table 1, at right, presents the 1990 Census count of population by race and by relevant area designation. Note that some data has been modified so that all “county” areas include only non-city and non-Census Designated Place (CDP) areas; cities and CDPs have been subtracted from the county total data.

Total population was estimated to be just over 779,000 in 1990. By 1998, Montana's population had increased to over 880,000. However, the rate of growth has slowed considerably. In both 1997 and 1998, growth was about .2 percent. This is less than the "natural increase" of the population. That is to say it is less than births

**TABLE 1
1990 CENSUS RACE DATA**

AREA NAME	WHITE	BLACK	ASIAN	NAT AMER	OTHER	TOTAL
Billings city	76,945	317	318	2591	980	81,151
Bozeman city	21,671	74	465	343	107	22,660
Great Falls city	51,197	464	504	2631	301	55,097
Helena city	23,377	33	215	658	63	24,346
Kalispell city	11,582	17	85	211	22	11,917
Missoula city	41,010	133	619	1011	145	42,918
Bonner-West Riverside CDP	1621	0	0	33	0	1654
Evergreen CDP	3977	0	10	115	7	4109
Helena Valley Northeast CDP	1705	7	0	49	14	1775
Helena Valley Northwest CDP	1179	0	7	0	45	1231
Helena Valley Southeast CDP	4411	0	14	106	70	4601
Helena Valley W Central CDP	6226	0	58	43	0	6327
Helena West Side CDP	1842	0	0	26	12	1880
Lockwood CDP	3697	20	23	149	78	3967
Lolo CDP	2713	8	0	25	0	2746
Malmstrom AFB CDP	4999	500	257	91	91	5938
Orchard Homes CDP	9935	13	153	186	30	10,317
Sun Prairie CDP	1330	0	0	26	0	1356
Beaverhead County	8281	16	27	73	27	8424
Big Horn County	4939	16	19	6310	53	11,337
Blaine County	4040	2	5	2663	18	6728
Broadwater County	3271	0	10	28	9	3318
Carbon County	8001	5	2	49	23	8080
Carter County	1490	0	0	8	5	1503
Cascade County	14,763	42	54	392	49	15,300
Chouteau County	5216	0	24	207	5	5452
Custer County	11,421	16	4	129	127	11,697
Daniels County	2261	0	2	3	0	2266
Dawson County	9382	0	16	98	9	9505
Deer Lodge County	9929	21	32	251	45	10,278
Fallon County	3080	0	3	14	6	3103
Fergus County	11,907	5	18	142	11	12,083
Flathead County	42,253	39	189	529	182	43,192
Gallatin County	27,349	6	166	254	28	27,803
Garfield County	1581	0	4	4	0	1589
Glacier County	5270	6	27	6807	11	12,121
Golden Valley County	899	0	5	3	5	912
Granite County	2522	0	8	18	0	2548
Hill County	14,774	0	36	2726	118	17,654
Jefferson County	7744	2	14	155	24	7939
Judith Basin County	2269	0	5	6	2	2282
Lake County	16,468	6	21	4474	72	21,041
Lewis and Clark County	7172	9	37	113	4	7335
Liberty County	2276	4	0	15	0	2295
Lincoln County	17,021	3	64	343	50	17,481
Madison County	5933	0	7	46	3	5989
McCone County	2247	2	0	27	0	2276
Meagher County	1789	0	2	20	8	1819
Mineral County	3222	4	21	68	0	3315
Missoula County	20,428	21	22	544	37	21,052
Musselshell County	4056	0	14	21	15	4106
Park County	14,279	86	51	79	119	14614
Petroleum County	513	0	0	6	0	519
Phillips County	4768	3	8	368	16	5163
Pondera County	5681	19	29	704	0	6433
Powder River County	2040	0	2	38	10	2090
Powell County	6238	0	14	286	82	6620
Prairie County	1365	0	2	10	6	1383
Ravalli County	24,563	18	65	311	53	25,010
Richland County	10,490	7	10	137	72	10,716
Roosevelt County	5604	13	26	5342	14	10,999
Rosebud County	7579	12	37	2819	58	10,505
Sanders County	8098	6	27	513	25	8669
Sheridan County	4659	0	7	58	8	4732
Silver Bow County	33,067	11	191	386	286	33,941
Stillwater County	6352	11	23	125	25	6536
Sweet Grass County	3128	0	5	21	0	3154
Teton County	6175	0	13	83	0	6271
Toole County	4960	7	6	73	0	5046
Treasure County	856	0	0	8	10	874
Valley County	7438	0	23	770	8	8239
Wheatland County	2200	0	6	27	13	2246
Wibaux County	1183	0	3	5	0	1191
Yellowstone County	27,433	43	122	571	132	28,301
Montana	741,340	2047	4256	47,574	3848	799,065

² Demographic and income information contained in this report is taken from the 1999 Economic and Demographic Analysis.

minus deaths. Hence, nearly 1,000 people left the state in 1997, and almost 1,400 left the state in 1998.

Montana's Indian Tribes

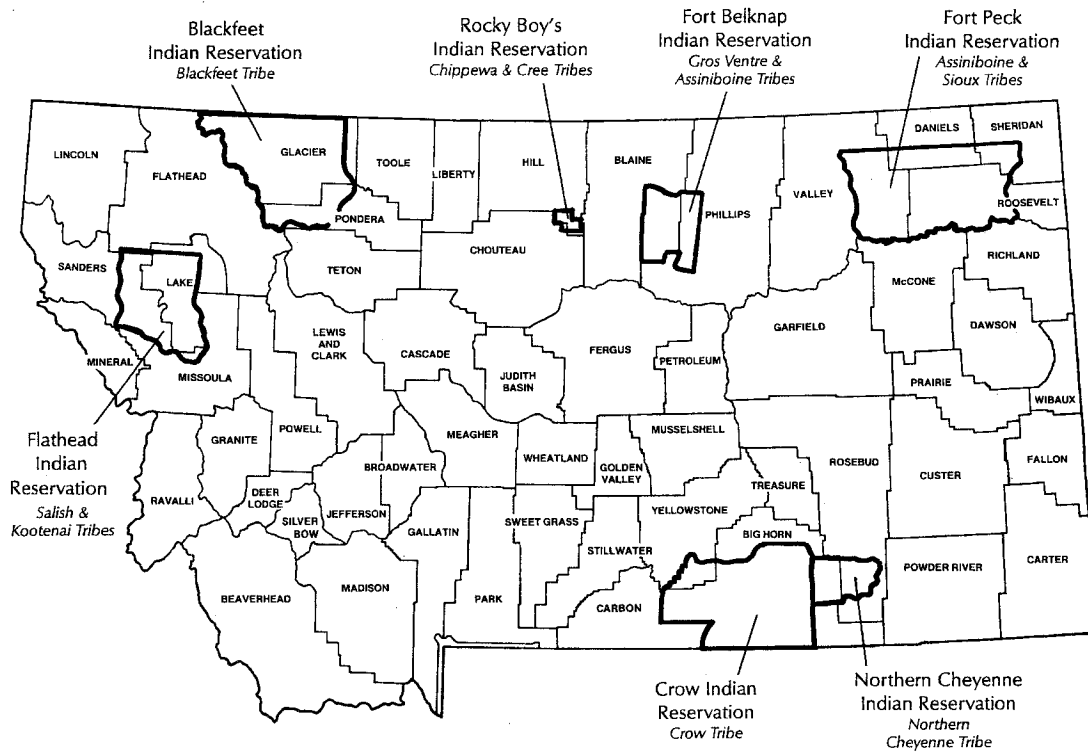
With 13 distinct tribal groups, Native Americans make up the largest minority group in the State of Montana. Following is a brief description of the tribal groups in the state:

1. The **Little Shell Chippewa Tribe** is without an established land base and is currently seeking federal recognition. Leaders assert a membership of 4,000 tribal members. The tribal office is located in Havre, Montana. However, the majority of tribal members are in Billings, Great Falls, and Missoula.
2. The **Chippewa-Cree Tribes** are situated on the 108,015 acre **Rocky Boy's Indian Reservation** 25 miles south of Havre, Montana. There are 4,401 tribal members. Havre is the main adjacent off-reservation community.
3. Browning is the major community within the **Blackfoot Indian Reservation** which borders Glacier National Park. The reservation is 1,462,640 acres with 13,960 tribal members. The nearest towns are East Glacier and Cut Bank.
4. The **Assiniboine/Sioux Tribes** are situated in the northeast corner of the state. There are a total of 9,867 members enrolled in the two tribes. Wolf Point, Poplar, and Frazer are within the **Fort Peck Reservation**. Glasgow and Culbertson are the major off-reservation border communities.
5. **Crow Agency** is the seat of government for the **Crow Tribe**. The reservation is located in southeastern Montana and is best known for the national Little Big Horn battleground. There are 8,736 enrolled tribal members. Hardin is the largest town within the 2,235,092-acre reservation and is located 45 miles southeast of Billings.
6. The **Northern Cheyenne Indian Reservation** is adjacent to the Crow Reservation. Lame Deer and Busby are the two communities on the reservation. Ashland is on the border of the reservation. There are 6,163 enrolled tribal members.
7. The **Gros Ventres/Assiniboine Tribes** share the **Fort Belknap Indian Reservation** in north central Montana. The tribes have a combined enrollment of 5,034. There are three tribal communities: Fort Belknap Agency, Hays, and Lodgepole. Harlem, Dodson, and Zortman are directly off the reservation.
8. The **Flathead Reservation** in Western Montana is home to the **Salish and Kootenai Tribes**. The reservation consists of 1,242,969 acres, and Polson, Ronan, Pablo, St. Ignatius, and Arlee are within the reservation. Kalispell is north of the reservation, and Missoula is south.
9. Like the Little Shell Chippewa Tribe, the **Ahon-to-ways band of Ojibways** is also without an established land base. Their tribal headquarters, LoudThunder International, is located in Great Falls. Historically, their home was on Hill 57 just north of Great Falls. Tribal leader Robert Gopher states there are between 800 and 1,000 people included in the tribe. Many of the tribal members live in Great Falls, but statistics on other locations are not available.

Figure 1 illustrates the location of the seven Indian reservations in the state of Montana.³

³ Map on Montana's Indian Reservations obtained from the Montana State Library Natural Resource Information System: Maps of Montana at <http://nris.msl.mt.gov/gis/mtmaps.html>.

**FIGURE I
MONTANA'S INDIAN RESERVATIONS**



Gender

The percentage of males and females in Montana is closely balanced. In 1990, approximately 49.5 percent of the population was male and 50.5 percent female. By 1998, this had become even more closely balanced, with 49.8 percent male and 50.2 percent female. However, the major cities tend to have slightly more females than males, and the rural areas tend to have more males.

Income

Within Montana, the 1990 per capita income varied widely. According to the 1990 census, the statewide average annual income was only \$11,213. Per capita income varied from the lowest, Big Horn County at \$7,148, to the highest, Lewis and Clark County at \$13,256. This implies that significant variation in income may occur among households within the state. A more accurate way of inspecting the relative income between areas is to rank the percent of total household incomes below a particular threshold, in this case, below the statewide low-income threshold of less than 80 percent of the state median family income for a family of four. This is better than just income because it accounts for households with additional wage earners. Data representing the percent of low-income households in each area were computed and ranked.

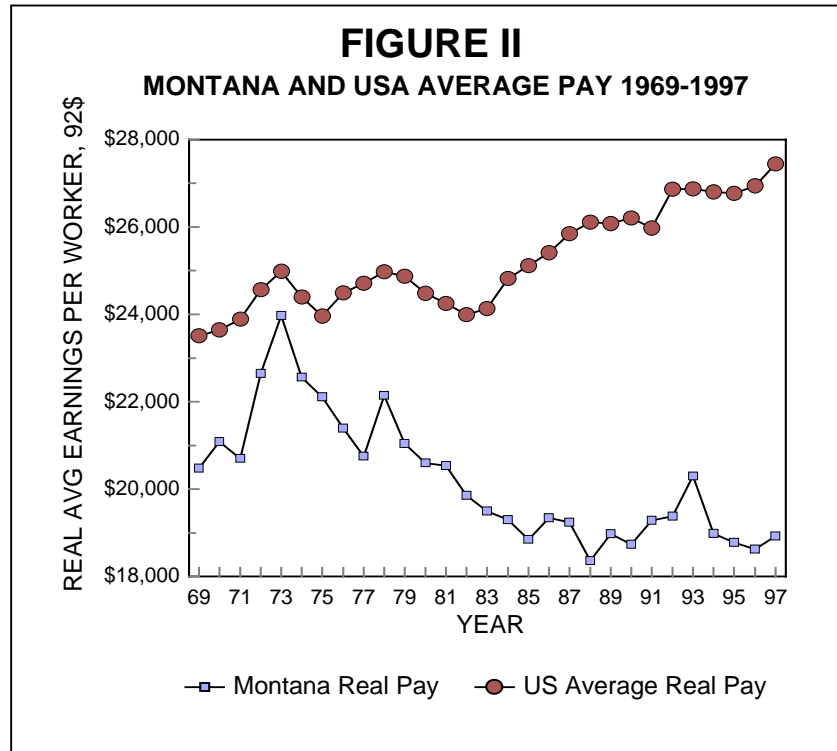
Low-income concentrations are designated as areas having a large percentage of households below the statewide low-income threshold. In the 1990 census, income data is reported by category; \$22,500 is used to approximate the low-income threshold from the 1990 census. Table 2 presents all areas defined in this way and listed in descending order by percent. Those areas that fall within the low-income criteria are listed above the dotted line, starting at Park County. In general, there appear to be very large blocks of the population in low-income households in Montana. Furthermore, as suggested by HUD, those areas having a disproportionate need are those with 10 percentage points above the average, which is 59.06 percent. Those areas above the line under Golden Valley are areas having disproportionate need. Wheatland County has the highest percentage of households in the low-income category, with over 65 percent. Only one area, Helena Valley Northeast CDP, has less than 25 percent of its households in the low-income category. Given these facts, large sections of Montana can be considered low-income areas. Furthermore, 75 percent of Montana households made less than the national average median family income of about \$36,000 in 1989.

Since 1990, the average pay of Montana's workers has changed very little, rising from approximately \$18,800 to \$18,900 in real 1992 dollars. This implies that while the national economy has expanded and incomes have risen, low-income Montana households are mired in lower-paying jobs. Figure II, below, demonstrates that the

**TABLE 2
LOW-INCOME CONCENTRATION - 1990 CENSUS**

AREA NAME	LOW-INCOME HOUSEHOLDS	PERCENT LOW-INC HOUSEHOLD
Wheatland County	565	65.93%
Prairie County	367	64.96%
Musselshell County	1,083	64.93%
Carter County	381	64.91%
Garfield County	371	63.86%
Sanders County	2,128	62.13%
Blaine County	1,464	61.38%
Evergreen CDP	932	60.60%
Golden Valley County	192	60.19%
Meagher County	420	58.99%
Treasure County	202	58.72%
Big Horn County	1,986	58.50%
Roosevelt County	2,143	58.34%
Granite County	614	58.31%
Glacier County	2,203	58.19%
Bonner-West Riverside CDP	377	57.65%
Carbon County	1,892	57.18%
Bozeman city	4,959	56.84%
Petroleum County	120	56.60%
Lake County	4,431	56.15%
Wibaux County	263	55.96%
Sheridan County	1,059	55.91%
Kalispell city	2,927	55.71%
McCone County	475	55.56%
Deer Lodge County	2,255	55.43%
Sweet Grass County	703	55.01%
Broadwater County	720	55.00%
Mineral County	713	54.39%
Lincoln County	3,661	54.36%
Ravalli County	5,169	53.80%
Beaverhead County	1,697	53.60%
Daniels County	493	53.47%
Fergus County	2,470	53.30%
Missoula city	9,419	53.02%
Custer County	2,435	52.95%
Powell County	1,177	52.43%
Silver Bow County	7,230	52.30%
Valley County	1,689	51.83%
Teton County	1,199	51.04%
Malmstrom AFB CDP	733	50.87%
Madison County	1,200	50.70%
Phillips County	982	50.54%
Powder River County	407	50.43%
Chouteau County	1,056	50.38%
Judith Basin County	457	49.84%
Orchard Homes CDP	2,094	49.63%
Park County	2,783	49.44%
Great Falls city	11,034	48.72%
Stillwater County	1,254	48.62%
Pondera County	1,047	48.56%
Fallon County	567	48.46%
Dawson County	1,790	48.13%
Richland County	1,914	47.74%
Lewis and Clark County	1,327	46.81%
Helena West Side CDP	351	45.82%
Liberty County	361	45.07%
Toole County	853	44.78%
Billings city	14,790	44.44%
Hill County	2,803	43.72%
Helena city	4,537	43.54%
Flathead County	6,884	42.85%
Helena Valley Southeast CDP	657	41.71%
Gallatin County	4,313	41.54%
Cascade County	2,353	41.44%
Yellowstone County	4,232	41.41%
Rosebud County	1,431	41.17%
Lockwood CDP	557	40.54%
Lolo CDP	354	38.27%
Missoula County	2,777	37.25%
Jefferson County	1,022	36.07%
Helena Valley West Central CDP	758	33.91%
Helena Valley Northwest CDP	107	28.23%
Sun Prairie CDP	121	27.50%
Helena Valley Northeast CDP	92	17.13%
Montana	150,582	49.06%

average pay for Montana workers is significantly lower than the US average and it seems to continue to stay lower.



HOUSING

The 1990 Census estimated that Montana’s housing stock totaled 361,155 units. Of the 361,155 dwelling units, 54,992 were vacant; 100,226 were rented, and another 205,938 were owner-occupied.

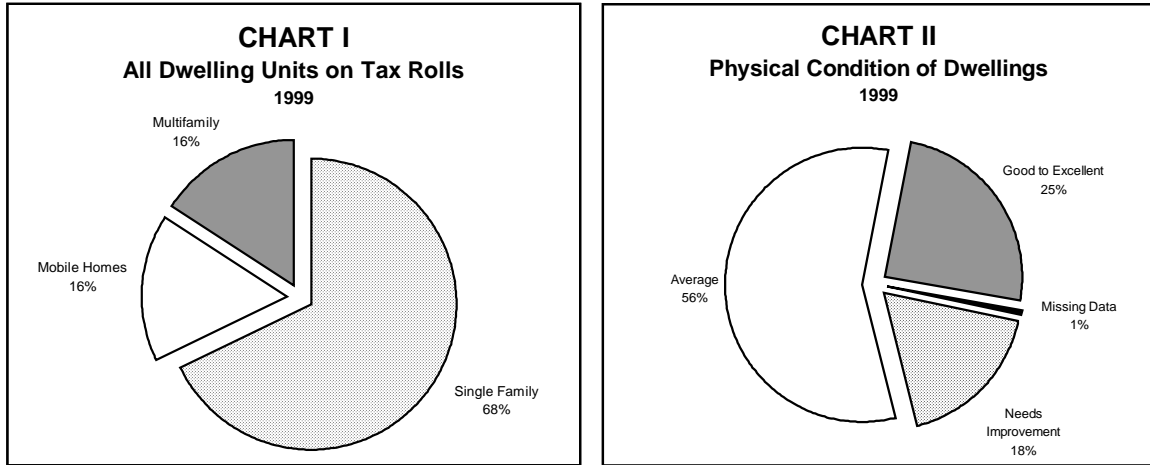
At that time, single-family detached homes made up about 66 percent of the housing stock; the share of the stock varied widely at the local level. About 21 percent of the total statewide stock of homes were built prior to 1940, increasing the probability of lead-based paint hazards, especially for low-income households. Other maintenance and structural deficiencies also tended to exist in these older structures, as did a higher incidence of vacancy.

In 1999, Montana conducted a Housing Condition Study to evaluate the current stock of housing throughout the state. Research was performed on county appraiser data maintained by the Montana Department of Revenue. That information described residential structures and commercial buildings used for residential purposes. The analysis assumed commercial buildings with residential use were rental units.

Findings indicated that there were 396,533 residential structures and commercial property dwelling units in Montana. Approximately 267,795 were single-family homes with another 63,994 multifamily units and 64,764 mobile homes. At least 63,994 were rental

units. As noted in Chart I, this represents 68, 16, and 16 percent of the housing stock, respectively.

Many of Montana's residential structures appear to be in need of improvement. Approximately 70,354 units are in need of maintenance and structural improvement. Another 225,949 are in average or "normal" condition. Some 97,816 units are in good to excellent condition. This is 18 percent, 56 percent, and 25 percent, respectively, as seen in Chart II.



EVALUATION OF FAIR HOUSING PROFILE

Complaint and Compliance Review

The Montana Human Rights Commission

Prior to 1997, Montana had a Human Rights Commission (HRC) which consisted of five people appointed by the Governor. The Commission was charged with enforcing federal and state laws within the State of Montana that prohibit discrimination based on protected class. The HRC employed a staff to investigate complaints of discrimination and implement Montana's anti-discrimination policies.

The 1997 Montana Legislature made substantive changes to Montana's Human Rights Act. Chiefly, these changes shortened the time allowed to file for a discriminatory complaint from 365 days to 180 days and specified that the complaint must represent a bona fide complainant. In other words, the complainant must sign the complaint and remain a party to the process. Furthermore, the Commission was dissolved and a Human Rights Bureau (HRB) created within the Montana Department of Labor and Industry. The Human Rights Bureau now pursues cases primarily involving infractions of state law only and has the responsibility of investigating these complaints and implementing Montana's anti-discrimination policies.

The Department of Housing and Urban Development

The United States Department of Housing and Urban Development oversees, administers, and enforces fair housing law. However, in some states a "substantially equivalent agency" may carry out the investigative and enforcement functions. The Rocky Mountain Regional office of the Department of Housing and Urban Development in Denver oversees housing, community development, and fair housing enforcement in six western states. Of those six states, three have had equivalent agencies to which HUD defers in matters of fair housing enforcement.⁴

Until 1997, such was the case in the state of Montana where the Human Rights Commission was charged with enforcing the Montana Human Rights Act. Until that time, the Human Rights Commission had investigative responsibilities, while HUD monitored the process. HUD received copies of housing complaints filed with the Montana Human Rights Commission and reviewed them to determine whether the federal agency had jurisdiction to join with the HRC in filing the complaints in the federal court system. Under certain circumstances, both the HRC and HUD investigated complaints of housing discrimination in Montana. These generally involved properties that were receiving direct HUD funding and involved allegations of discrimination based on race, color, national origin, or disability.

⁴ Telephone conversation, Shirley Bethea, complaint intake analyst, HUD Denver, August 14, 1996.

Due to the 1997 changes in Montana's Human Rights Act and the dissolution of the Human Rights Commission, Montana lost its federal "substantially equivalent agency" status. Complaints based upon alleged violations of federal law now are filed directly with HUD in Denver or brought to HUD's attention by fair housing entities within Montana. Because the new HRB deals solely with state violations, HUD and HRB do not file jointly.

Complaint data

HUD's Regional Office in Denver provided printouts of complaint history for the period 1990 through 1999. The data was entered and tabulated in both graphic and table formats. Diagram 1 presents the HUD complaint information based upon when the alleged complaint occurred, although the 1989 and 1999 figures represent only partial years. Prior to July of 1997, many of the complaints were jointly filed with the Montana Human Rights Commission and HUD. After that time, complaints had to be filed directly with HUD. Beginning in 1996, the number of complaints began to decline, and by 1998 and 1999, the total number of complaints was less than 10 percent of the 1995 level. Under federal law, a complaint may be filed up to one year after the alleged fair-housing violation. Consequently it is possible that more complaints have been filed for either 1998 or 1999 since this data was collected. However, a significant downward trend in complaints can be concluded.

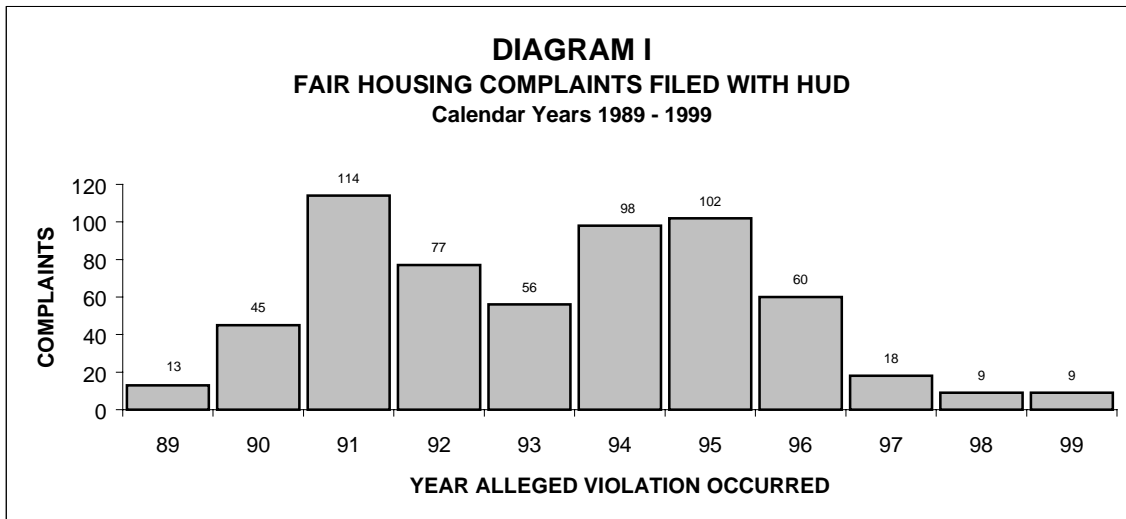


Table 3 on the following page presents the resolutions of the complaints. HUD entitles this resolution data "closure status." Nearly 38 percent have been successfully reconciled. Approximately 22 percent of the total number of complaints have been ruled to have a "no cause determination" or insufficient evidence to suggest a violation of fair housing law. The federal system does appear to take some time for a complaint to close, however, so complaints can remain open for many years.

TABLE 3
HUD COMPLAINT HISTORY
CLOSURE STATUS OF COMPLAINTS
1989 - 1999

Closure Status of Complaint	89	90	91	92	93	94	95	96	97	98	99	Total
Not Yet Resolved		2	1	1		3	14	18	8	9	9	65
Dismissed for Lack of Jurisdiction		3	5	2	2	9						21
Unable to Locate Complainant			2	2	1	1						6
Complainant Failed to Cooperate			6	4	3	3	7	1	1			25
Complainant Withdrew w/o Resolution		1	1	4	4	10	6	5	4			35
Successful Conciliation	6	23	50	22	29	39	37	18	3			227
Complaint Withdrawn with Resolution	2	3	13	6	2	1	7	3	2			39
No Cause Determination	5	11	20	23	12	27	25	12				135
Invalid HUD Documentation		2	16	13	3	5	6	3				48
TOTAL	13	45	114	77	56	98	102	60	18	9	9	601

Table 4 explores the discriminatory issues associated with the complaint activities. In over 70 percent of the incidences, rental property is involved, particularly related to refusal to rent and terms/conditions/privileges associated with rentals.

TABLE 4
HUD COMPLAINT HISTORY
DISCRIMINATORY ISSUES
1989 - 1999

Discriminatory Action	89	90	91	92	93	94	95	96	97	98	99	Total
Acts under Section 818			2	1	1	1	3	8	1	1	1	19
Advertising--rental			2	5	2		1		2			12
Advertising, statements, notices						5	2	7		1		15
Failure to Provide Accessible Entrance									2			2
False Representation--Rental		1	2				1					4
Financing (real estate transactions)				1		2	1					4
Making of Loans			1		1	4	1					7
Other Discriminatory Acts						7	36	12	1			56
Otherwise Deny or Make Unavailable							29	9				38
Refusal to Rent	9	22	52	36	31	47	11	2	4	3	4	221
Refusal to Rent and Negotiate		1	4				1	2				8
Refusal to Sell					1			1	1			3
Restriction of Choice Relative to Rental								1				1
Steering						2	1					3
Terms/conditions for Making Loans							1	1				2
Terms/conditions/privileges/services	1	2	4									7
Terms/conditions/privileges--rental	3	19	47	34	20	30	13	12	6		1	185
Terms/conditions/privileges--sale								1				1
Zoning and Land Use								1				1
Not Documented							1	4	1	4	3	13
TOTAL	13	45	114	77	56	98	102	60	18	9	9	601

Complaints are also classified by "basis" which describes the protected class that experienced the alleged fair housing violation. Of the 601 complaints on file at HUD, approximately 37 percent are related to family status, 29 percent are race-related (mostly

Native American), and another 20 percent are related to handicap or sex (i.e. sexual harassment or gender discrimination). This data is presented in Table 5.

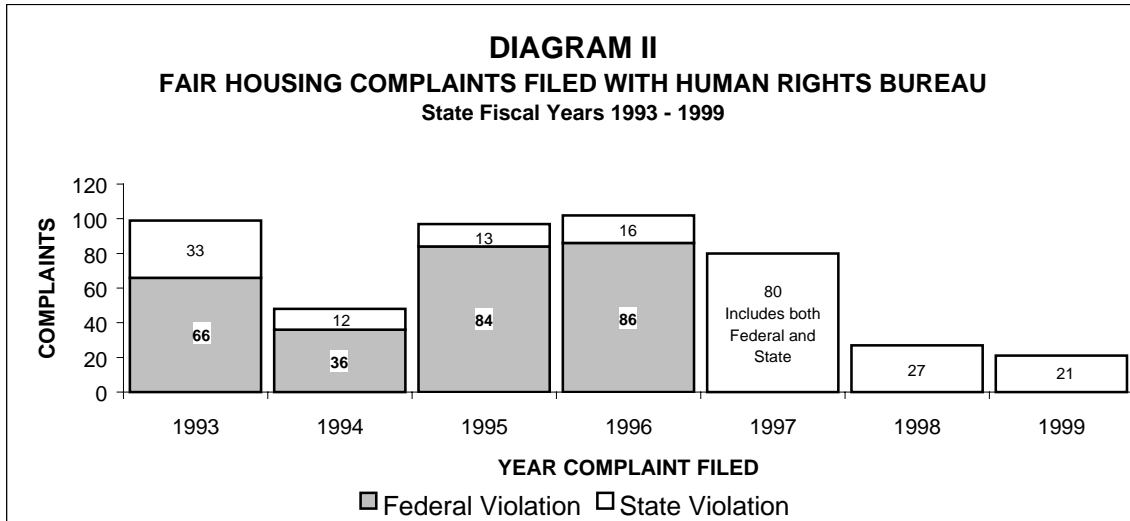
TABLE 5
HUD COMPLAINT HISTORY
MAJOR BASIS OF COMPLAINTS
1989-1999

Year	Family Status	Race					Handicap				Sex				
		White	Black	Native American	Asian/Pacific Islander	Total	Mental	Physical	Both	Total	Male	Female	Male Sexual Harassment	Female Sexual Harassment	Total
89	5	2		7		9	1	1		2	1	1			2
90	14	2	4	12		18	4	1	1	6	1	8		2	11
91	48		8	36	1	45	6	5	1	12	4	10		4	18
92	32		5	13		18	2	10	3	15	3	11		2	16
93	19	3	4	10		17	7	4	1	12		1		3	4
94	34		7	25	1	33	8	11	4	23		4		3	7
95	37		5	13	2	20	10	15		25	3	7	3	19	32
96	24		1	8		9	1	11	2	14		7	2	6	15
97	6		1	2		3	1	8	2	11		1			1
98	1		1	1		2	1	3	1	5	1	1			2
99	2		1			1	2	1	1	4		1		2	3
Total	222	7	37	127	4	175	43	70	16	129	13	52	5	41	111

Complaints filed with the Human Rights Bureau have been appended to complaints filed with the Human Rights Commission (Diagram II). The Commission data has both federal and state violations. Both state and federal violations were also received by the HRB in 1997, but their categories were not available. Consequently all 80 complaints for that year have been lumped together. For 1998 and 1999, Diagram II presents just state violations. Much like HUD complaint history, the number of complaints has been ebbing in recent years, with drastic declines occurring in fiscal years 1998 and 1999. According to a November 17, 1999, article in the *Independent Record*, the number of discrimination complaints filed with the HRB has been dropping in large part because of the more thorough screening process which weeds out cases with no merit. So while the “number of discrimination queries has increased, the number of actual cases has been on a general decline.”⁵ Likewise, only six percent of the complaints actually filed with the HRB in 1999 even dealt with fair housing issues of discrimination at all.⁶

⁵ *Independent Record*, November 17, 1999

⁶ *Ibid*



Complaints filed with the Bureau may have one of several outcomes: no cause, administrative closure, settlement, conciliation, conciliation failure, no jurisdiction, or complaint withdrawal with or without benefits (which may indicate a private settlement). Complaints may proceed to a hearing before the Commission for resolution or may ultimately be resolved in court. The total number of complaints filed in state fiscal years 1993 to 1999 is represented in Table 6. Interestingly, the complaints filed in recent years are increasingly ruled as a no-cause determination, culminating in 1999, when approximately 62 percent of all complaints are given this designation. On the other hand, the share of total complaints reaching settlement is significantly down, from 30 percent in 1997, to 4 percent in 1998, and 10 percent in 1999.

TABLE 6
FAIR HOUSING INCIDENTS FILED
HUMAN RIGHTS COMMISSION OR BUREAU
 STATE FISCAL YEARS 1993 - 1999

YEAR	1993	1994	1995	1996	1997	1998	1999
No Cause	18	20	28	7	8	11	13
Administrative Closure	10	2	6	2	1	2	3
Settlement	31	16	38	15	24	1	2
Conciliation	8	2	0	0	1	2	0
Conciliation Failure	10	2	4	1	9	0	0
No Jurisdiction	2	0	1	0	3	8	0
Withdrawal w/o Benefits	11	3	5	9	17	1	1
Withdrawal w/ Benefits	5	3	4	2	1	0	0
Still Open	4	0	11	66	16	2	2
TOTAL	99	48	97	102	80	27	21

Table 7, on the following page, evaluates the total complaint data introduced above by presenting it by protected class or “basis.” Note that “other” is equal to zero after 1993, but “marital status” and “family status” are equal to zero in 1993. This indicates a modification in the way the data was recorded starting in 1994 and ending in 1997. The 1998 and 1999 “other” category relates to harassment and retaliation complaints.

In recent complaint history, familial status and disability-related complaints have superceded race/color and sex as the most frequently alleged fair housing violations.

TABLE 7
FAIR HOUSING INCIDENTS FILED
HUMAN RIGHTS COMMISSION OR BUREAU BASIS OF COMPLAINT
STATE FISCAL YEARS 1993 - 1999

BASIS	1993	1994	1995	1996	1997	1998	1999	Total
Race/Color	16	9	23	14	5	3	1	71
Sex	18	5	5	28	10	4	1	71
Religion/Creed	2	3	0	2	3	2	9	21
Age	6	2	4	3	10	1	0	26
Disability	16	8	17	16	24	11	2	94
National Origin	3	3	0	0	0	0	0	6
Marital Status	0	1	4	9	5	0	0	19
Family Status	0	17	44	30	23	4	7	125
Other	38	0	0	0	0	2	1	41
TOTAL	99	48	97	102	80	27	21	474

Other compliance activities

In the past, the Human Rights Commission applied for and received grants for special investigative projects. The Human Rights Bureau no longer contracts for this type of investigative research. The following summarizes special investigative projects.

- In 1994, the Commission received a grant to investigate the use of covenants prohibiting the sale of properties to Native Americans. In the course of that research, investigators learned of three Kalispell-area developments that had recorded covenants prohibiting children.
- In 1996, investigators for the Commission were involved in an 18-month study to ascertain whether there existed a pattern and practice of covenants restricting occupancy to “adults only” in four key housing markets in the state—the Gallatin Valley, Helena Valley, Flathead Valley, and Bitterroot Valley. A key area of research was classified newspaper advertising stating rental housing for “adults only,” where substantive documentation of violations occurred.

Suits filed by Department of Justice

The U.S. Department of Justice (DOJ) filed a suit in October 1992, against the owners of the Lee Apartments in Billings for allegedly engaging in a pattern of discrimination against Native Americans in violation of the federal Fair Housing Act. The case was the first in the nation filed by the DOJ alleging this.⁷ In June 1994, owners Richard E. Lee and Donald R. Lee, Sr. reached a settlement with the Justice Department. The men were ordered to pay \$65,000 in fines and modify their rental practices to avoid discriminatory practices.

⁷ *The Billings Gazette*, June 22, 1994.

Other suits filed

Montana has had a number of housing discrimination cases resolved in the court system. The following summarizes these cases.

- An African-American man and his Caucasian wife initially filed complaints with the Missoula Police Department regarding verbal threats made by a tenant at the apartment complex where they all lived in June 1992. A copy of the complaint was delivered to the company that managed the apartments. The tenant pleaded guilty to disorderly conduct for “using obscene language and shouting racial insults.” About two weeks later, the management company sent a memo to the couple threatening eviction allegedly for disruptive late night activity and making loud noises. The couple then filed a complaint with the Montana HRC naming both the property management company and the apartment owner as respondents. In 1993, the HRC and the complainant sued the tenant, the apartment owner, and the property management company in District Court. The judge ordered the tenant who had made the comments to pay a variety of punitive and compensatory damages to the complainants and the HRC for his discriminatory actions, including a \$25,000 fine under the equal housing provisions of the Montana Human Rights Act. The complaints against the owner and the management company were settled under unspecified terms.⁸
- Another case, which began in 1988 and was finally resolved in 1994, involved two black men who were denied an apartment in Billings by a woman who said her husband “would not let her rent to Negro men.” In a lengthy legal battle, the case was twice remanded back to District Court in Montana by the 9th U.S. Circuit Court of Appeals. In the initial lawsuit, U.S. District Judge Jack Shanstrom found the men had been discriminated against, and ordered the landlord to pay only legal fees, but nothing for emotional distress or punitive damages. In 1991, the 9th U.S. Circuit Court of Appeals told Shanstrom to reconsider the case and award the men fair compensation for their injuries, saying they had offered substantial and uncontradicted testimony of emotional distress. Shanstrom then awarded the men \$125 each, explaining that the landlord’s wife had been “very polite” and did not embarrass the two men in front of others. The men appealed again, supported by the Montana HRC. The appeals court criticized Shanstrom and told him to award each man at least \$3,500 in damages, plus their legal costs.⁹
- Two recent court cases involved sexual harassment and sexual harassment with retaliation. In both cases, the actions of property managers, as representatives of the property owners, were called into question. In one case, the two plaintiffs were awarded \$50,000 each, but this was reduced to \$25,000 each upon appeal.

⁸ *The Missoulian*, August 2, 1995

⁹ *The Billings Gazette*, January 12, 1994

The second case, resolved in April of 1999, resulted in the largest fair housing settlement in State history: \$271,000. The case also was the first fair housing lawsuit in Montana's federal court system to involve claims of sexual harassment.¹⁰ Seven women tenants first took their complaint to the management of the facility. The management company did not respond to the satisfaction of the tenants, so they approached the Montana Fair Housing organization, which brought the case to the (then) Human Rights Commission. HUD was also involved because the housing complex was a HUD-subsidized project. Terms of the settlement involved payment of \$196,000 to the seven women and another \$75,000 to Montana Fair Housing. A spokesman for the management company indicated that the company ". . . has been in business for over 20 years and the company has a history of providing fair housing. This incident is something that happened in one location involving specific individuals who are no longer working for the company. We are very interested in doing the right thing." The management company had never been involved in a fair housing dispute where reasonable cause was determined and has begun their work with Montana Fair Housing to initiate education, training, and outreach.

- In 1998 a lawsuit was brought against the Seattle-based American Capital Development, Inc., its principal owners, architect, and affiliated companies. Introduced by Montana Fair Housing, Missoula-based Summit Independent Living Center, a tenant of the Wildflower complex in Missoula, and a local resident in a wheelchair who applied to live at the complex, it is still pending in the federal courts. The suit alleges that the defendants failed to comply with the accessibility requirements of federal and state fair housing laws, despite taking a total of more than a \$1 million in tax credits from the Montana Board of Housing and a \$7.2 million revenue bond obtained through the City of Missoula towards building three large housing complexes: Wildflower Apartments and Creekside Apartments in Missoula and Shiloh Glen in Billings. The complexes lacked handicap access to the first floor apartments; reachable heating, electrical, and environmental controls; accessible doors; and useable common areas. In November of 1999, a federal judge determined that American Capital Development, Inc., had violated the rights of the disabled. The issue of damages and what can be done to remedy the loss of accessible housing will be taken up in a trial scheduled to begin in the summer of 2000.

Statewide Fair Housing advocacy groups

Until early 1997, two groups in the State of Montana received grant money from HUD to provide fair housing assistance in the form of education, outreach, and testing via the Fair Housing Initiatives Program (FHIP) grants. These were the Council for Concerned Citizens (CCC) with offices in Billings, Great Falls, Bozeman, and Havre, and Montana Fair Housing, originally based just in Missoula.

The CCC began conducting random testing for the Human Rights Commission, under contract to HUD, in Great Falls in the late 1980s. However, the CCC completely disbanded in 1997. That earlier work conducted by the Human Rights Commission was

¹⁰ *The Missoulian*, April 29, 1999.

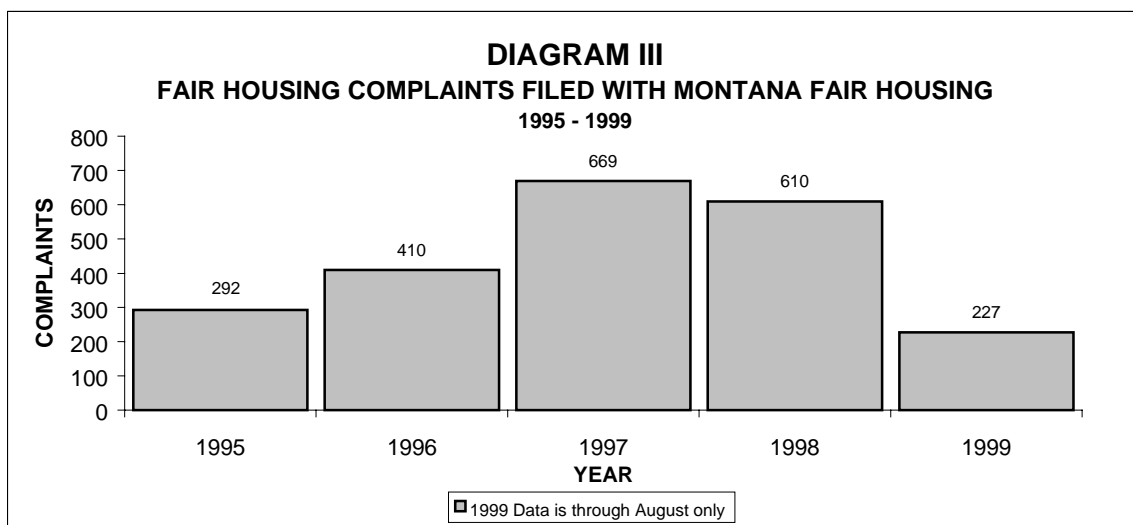
instrumental in forming groups to perform testing in Billings and Missoula. The Missoula group eventually became an independent fair housing organization known as Western Montana Fair Housing. The group changed its name to Montana Fair Housing. Since the CCC disbanded, Montana Fair Housing now receives complaints from across the state, rather than only in western Montana. Today, Montana Fair Housing is considered the only “full-service” fair housing group in the State with the ability to perform complaint intake, investigations, and litigation support if necessary for all protections offered under the federal and state fair housing laws including lending, insurance, sales, and rentals.

Table 8 presents single point-in-time complaint records from the now disbanded CCC. It is documented as part of the data contained within the Human Rights Bureau database and previous exhibits in this report. As seen in the Table, familial status, national origin, and disability are the three areas of greatest concern.

TABLE 8
COMPLAINTS RECEIVED AT COUNCIL FOR CONCERNED CITIZENS
AUGUST 1994-AUGUST 1995

COMPLAINT BASIS	GREAT FALLS	BILLINGS	HELENA	TOTAL
Familial status	24	25	31	80
National origin	22	24	25	71
Disability	11	20	30	61
Race	8	10	4	22
Sex	4	10	4	18
Age	6	2	9	17
Marital status	4	11	1	16
Religion	1	0	1	2
Creed	0	0	1	1
TOTAL	80	102	106	288

Diagram III presents Montana Fair Housing (MFH) data over the 1995 through 1999 period. MFH complaint numbers, similar to numbers both of HUD and the Human Rights Bureau, have fallen, although not nearly as much.



The numbers documented in Table 9 represent calls made to MFH where an intake specialist determined there was reason to believe discrimination had occurred. MFH

investigates through testing or interviews before deciding to take further action such as filing with the Human Rights Bureau, HUD, or directly approaching state or federal court.

**TABLE 9
COMPLAINTS RECEIVED BY MONTANA FAIR HOUSING
CALENDAR YEARS 1995 - 1998**

	1995	1996	1997	1998	1999
Familial Status	57	102	146	133	47
National Origin	26	38	76	93	37
Race/Color	14	21	42	60	23
Disability	123	159	215	198	86
Religion/Creed	2	4	6	2	4
Sex	11	16	39	19	14
Marital Status	25	42	57	55	4
Age	22	21	65	31	2
Retaliation/Harassment	12	7	23	19	10
Total Complaints	292	410	669	610	227
Total Calls Received	746	949	1267	1497	712
Cases Filed	na	17	37	27	12

1999 Data is through August Only

It is interesting to note that the level of total calls made to MFH has risen significantly. According to MFH, many more housing providers are calling to request guidance than have ever called in the past. This implies that outreach and education efforts throughout the state have aided the improvement of the dialogue of various housing providers.

Identification of Other Fair Housing Concerns

A significant amount of the data collected was obtained through primary research methods. The following information was gathered from telephone interviews and reflects the concerns and opinions of people interviewed. Some of this information is inconclusive or falls outside the parameters of this analysis.

Housing Availability vs. Affordability

There is an increasing problem with housing supply in the state of Montana. A lack of affordable housing tends to affect people in protected classes because they often are at the lower end of the economic scale. People's incomes are not keeping up with the cost of housing. Increased numbers of retirees and tourists to the state create largely service-industry jobs, not family-wage jobs. Housing costs are generally rising. These factors may make it easier for landlords to select higher-income tenants rather than lower-income tenants.

Landlord/tenant issues

There is no State agency that addresses landlord/tenant issues. Landlords and tenants must rely on the judicial system for resolution. The Montana Public Resource Interest

Group (MontPIRG) has a Montana landlord/tenant information center, which can be reached at 1-888-345-7474.

- Landlords in Montana may give tenants a 30-day, no-cause eviction notice or a 3-day eviction with cause, usually non-payment of rent. Housing discrimination complaints are sometimes filed after a landlord has served a tenant with an eviction notice.
- In the State of Montana, property managers for individual properties with more than four units must be licensed by the Board of Realty Regulation. To obtain a property management license, an individual must take 24 hours of classes, including three hours on fair housing law. Each year, licensed property managers must also take six hours continuing education from courses that are approved by the Board. An individual licensed as a real estate agent in the State can manage properties without obtaining an additional property manager's license, and those managing fewer than four units have no educational requirements.
- Montana Legal Services, with offices in several cities in the State, handles many landlord/tenant cases for low-income people. Federal funding for legal aid was cut sharply in recent years, closing one office and reducing staff in other offices. With the fiscal and staff reductions, the agency concentrates more on landlord/tenant, social security and public benefit cases. They refer cases involving discrimination to the Human Rights Bureau.

Mental disabilities and treatment programs

A perceived problem area for people with mental disabilities is housing availability in proximity to treatment programs, allowing people to integrate into the community rather than live in institutions. Public policy today stresses that people with mental disabilities should be able to live in their home communities, rather than in institutions removed from their families. The telephone survey found there may be a need to coordinate treatment services with housing. The telephone survey also found there is a perception that landlords would rather not rent to someone receiving social security because of a disability.

Level of fair housing complaints

Fair housing advocates have indicated that preparing and moving forward with a fair housing complaint may be more difficult than three years ago, thereby constraining access to the complaint system. The cause may be the disbanding of the Council for Concerned Citizens and modifications to the Montana Human Rights Act that limit the time allowed for filing a case and who can bring the case forward.

Some other representatives of the housing community disagree. Alleged violations of fair housing law are down in many other jurisdictions besides Montana. And while most acknowledge that loss of the CCC has contributed to a lower level of complaint activity, others feel that the modifications to Montana's Human Rights Act have resulted in

reducing frivolous or unwarranted complaints. A few of those interviewed feel that the private market for legal assistance has intervened, partly absorbing a role previously played by the Human Rights Commission. This implies that the declines in complaint activity may only be temporary. These views are, in part, supported by the current state of fair housing settlements. Today, settlements are reaching significantly higher dollar amounts than ever recorded by the Human Rights Commission, and thereby attracting more legal talent to the arena.

Some representatives attribute efforts made by a wide range of organizations to affirmatively further fair housing through education and outreach as contributing factors to the reduction in complaint activity. Particular mention was made of the Fair Housing Advertising brochure and the enhanced dialogue that housing providers and fair housing entities are experiencing. Fair housing non-compliance in advertising has practically disappeared.

Still others have attributed the decline in complaints to a cooling of the growth in population and an expanding economy; with so few complaints spread across a housing stock of about 400,000 units, they believe the problem is not a significant one.

Summary

The State of Montana has an active civil rights and fair housing community. The Human Rights Bureau investigated nearly 475 complaints in the past seven years. HUD logged slightly over 600 complaints during the 1990s. The fair housing advocacy organizations also fielded complaints regarding housing. In this regard, the Montana Fair Housing organization received over 2,200 complaints from 1995, through August of 1999.

Complaint activity has dropped off significantly over the last three years, with HUD's number of complaints declining approximately 90 percent, the Human Rights Bureau complaints falling 80 percent, and Montana Fair Housing's complaint numbers declining in 1999 as well. It is not well understood at this time whether the change in complaints is temporary or permanent, nor are the underlying reasons for the declines easily identifiable.

IMPEDIMENTS TO FAIR HOUSING CHOICE

Fair Housing Laws

The Fair Housing Act of 1968 prohibits discrimination in housing based on race, color, religion or national origin. Sex was added as a protected class in 1974. The Fair Housing Amendments Act of 1988 added familial status and people with disabilities to the list of protected groups. (A detailed chronological list of fair housing laws can be found in the appendix of this document).

The State of Montana enacted “substantially equivalent” civil rights legislation in the mid 1970s. The state law was closely aligned with the federal law and also includes age, creed and marital status as protected classes. In addition, the legislation established and defined the power of the state’s Human Rights Commission, which received and investigated complaints of discrimination in employment, housing, public accommodations, financing and credit, education, and insurance.

In 1997, the Montana Human Rights Act was amended. The chief modifications affecting fair housing laws were reducing the period of time a complaint could be filed from 365 to 180 days, requiring a bona fide victim to be party to the complaint, and the elimination of commission status for the Human Rights Commission. A Human Rights Bureau in the Department of Labor and Industry replaced the commission. While Montana's protected classes were not amended, these procedural changes to enforcing fair housing law led to the loss of Montana's federal "substantially equivalent agency" status.

Nevertheless, in Montana it remains illegal to discriminate in housing to people based on the following:

Race γ Color γ National Origin Marital Status γ Family Status Religion γ Creed Disability γ Sex γ Age
--

Prohibited acts of housing discrimination cover a broad spectrum, including:

- < Refusal to sell or rent or otherwise deal with a person.
- < Discriminating in the condition or terms of sale, rental, or occupancy.
- < Falsely denying that housing is available.
- < Discriminatory advertising.
- < “Blockbusting”—causing persons to sell or rent by telling them that members of a minority group are moving into the area.
- < Discrimination in financing of housing by a bank, savings and loan association, or other business.

- < Denial of membership or participation in a brokerage, multiple listing, or other real estate services.
- < Interference, coercion, threats or intimidation to keep a person from obtaining the full benefits of the Federal Fair Housing Laws and/or filing a complaint.

Financial institutions are subject to a number of fair lending laws designed to eliminate disparities in lending. They are audited regularly to assure compliance with the fair lending laws. These include the Home Mortgage Disclosure Act (HMDA), Equal Credit Opportunity Act, Fair Housing Act, and the Community Reinvestment Act.

The vast majority of complaints of housing discrimination stems from the rental market. Discrimination in this market is usually easier to recognize. A statement like, “We don’t rent to people with children,” is pretty straightforward. Issues change with time, reflecting changes in society. For example, an area seeing more complaints in both housing and employment is that of sexual harassment.

Where racial bias may have been the primary area of discrimination in the earlier days of fair housing law, familial status and disability (added as protected classes in 1988) also are rapidly growing areas of complaint activity. In Montana, as in many areas of the United States, the greatest numbers of complaints are based on familial status, race or color, and disability. However, the HRB has investigated complaints arising from every one of the protected classes over the last few years. Table 10 below ranks total HRB incidence data presented earlier from 1993 to 1999 and the percentage for each protected category.¹¹

TABLE 10
FAIR HOUSING INCIDENCES FILED
HUMAN RIGHTS COMMISSION OR BUREAU
STATE FISCAL YEARS 1993 - 1999

Protected Class	Number of Complaints	Percent of Complaints
Family Status	125	26.4
Disability	94	19.8
Race/Color	71	15.0
Sex	71	15.0
Other	41	8.6
Age	26	5.5
Religion/Creed	21	4.4
Marital Status	19	4.0
National Origin	6	1.3
TOTAL	474	100

Sale of Housing

Although most complaints of discrimination are in the area of housing rentals, discrimination in housing sales still exists today. However, it occurs in ways that are

¹¹ Total may not sum to 100 due to rounding. "Other" comprises retaliation/harassment and, in the early 1990s, marital status.

harder to ascertain than overt practices such as blockbusting¹², which was once a fairly common practice in certain parts of the country. In Montana, two possible areas of discrimination related to housing sales are in the area of mortgage lending (see “Provision of Financial Services” later in this report) and restrictive covenants.

Restrictive covenants

In 1996, both secondary and primary research for this study determined that there had been some problem with the illegal use of restrictive covenants in the State of Montana.¹³ Housing covenants are recorded through land deeds in the county clerk and recorder’s offices. The Human Rights Commission in 1994, with a special grant from HUD, investigated illegal covenants in the State restricting the sale or transfer of property to Native Americans. The study found only one restrictive covenant related to race.

However, in the course of the study, researchers found a number of restrictive covenants forbidding housing sales to people with children under 17. The covenants were in place to create “adults-only” developments. There are legitimate adults-only developments for people 55 and older or 62 and older, with significant services for senior citizens. The developments with the restrictive covenants did not meet the guidelines for adults-only housing.

In a well-publicized incident in 1995, a housing development was approved, marketed, and advertised as adults-only over a six-year period by a variety of groups presumably educated about fair housing law. The groups participating included real estate lawyers, real estate agents, county planners, county commissioners, and a county recorder. The Human Rights Commission charged that many of the parties involved had violated fair housing law by advertising and marketing the properties as adult-only without providing the corresponding adults-only services. The project's advertising approach was modified to conform to the law.

There have been other concerns in the State of Montana about the use of restrictive covenants in ways that may have the effect of limiting affordable housing. For example, restrictive covenants may exclude modular or manufactured housing. These covenants, while restrictive, do not discriminate against a protected class directly, but persons of low income are often members of protected classes more likely to be subject to the restrictions.¹⁴

¹² Blockbusting is the practice of inducing homeowners in a particular neighborhood to sell their homes quickly, often at a loss, by creating a fear that they will be unable to sell.

¹³ This information is taken from telephone conversations and is not intended to be viewed as absolute fact.

¹⁴ See footnote 13.

Rental of Housing

Familial status

Although familial status was just given protected status in 1988, it is now the largest area of complaints of discrimination. Familial status refers to families with children, pregnant women, and anyone securing legal custody of a child under 18. It is illegal to refuse to rent to a family in which one or more children under 18 live with a parent, to a person who has legal custody of the child or children, or to the designee of the parent or legal custodian.

Survey results found there are landlords in the State who have no qualms about stating they want “no kids.” They are very up-front about it. Discrimination can take place by denying housing to people with children or by *limiting occupancy*, a policy issue the landlord uses. There are policies landlords attempt to implement that have a disparate effect on people with children. For example, added charges for additional people, or segregating families with children in one part of the complex and adults-only in another.

Newspaper advertising

In 1996, Analysis of Impediments to Fair Housing research and survey results found that discriminatory wording in newspaper classified advertising had been frequently documented in Montana.

Complaints against the newspaper followed a careful study of discriminatory advertising by the Council for Concerned Citizens. The study found more than 40 discriminatory advertisements in a Great Falls newspaper between the period April 1992 and March 1993. In November 1993, CCC concluded that there were more than 10 discriminatory ads in the Billings area publication. Their study was driven by complaints from citizens.

In 1994, the HRC reached a conciliation agreement in a complaint filed by the Council for Concerned Citizens against a Billings area newspaper for discrimination based on familial status. The complaints rose out of the newspaper’s publishing advertisements for rentals for adults only.

Newspaper advertising was identified as an impediment to fair housing in the last AI. As an action to eliminate the impediment, several organizations cooperatively produced a brochure entitled “Fair Housing Advertising in Montana.”¹⁵ The brochure provided a synopsis of fair housing law and offered both perspective and guidance related to fair housing advertising. The brochure has been distributed widely and is credited with raising the knowledge of those involved with media advertising as well as reducing the alleged violations of fair housing law seen in advertising earlier in the 1990s in Montana.

Women leaving shelters

¹⁵ These organizations are the Human Resource Development Council Association, the Montana Association of Realtors, the Montana Department of Commerce (Board of Realty Regulation, Housing Division, and Local Government Assistance Division), the Montana Department of Labor and Industry (Human Rights Bureau), Montana Housing Providers, and the Montana Newspaper Association.

Women leaving shelters or victims of domestic violence can experience landlords who are reluctant to rent out of fear of violence from the batterer. Women's shelters make sure these women know there are resources to help them if they believe they have been discriminated against.

Disability

The Fair Housing Amendments Act of 1988 amends Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) to prohibit discriminatory housing practices based on disability or familial status. The Act also established design and construction requirements related to accessibility for certain new multi-family residences. Disability includes a physical or mental impairment which substantially limits a major life activity (i.e., caring for oneself, performing manual tasks, walking, seeing, hearing, speaking or learning). It includes people with AIDS and people with alcoholism but does not include people who currently use or are addicted to illegal drugs.

It is illegal to discriminate against people because of their disabilities, and it is illegal not to allow a “reasonable accommodation” related to the disability. A “reasonable accommodation” can include allowing the disabled individual to make modifications to the dwelling to accommodate the disability such as building a ramp for a wheelchair. The modifications are financed by the disabled tenant. A provision to return the unit back to its original state may be incumbent upon the person with the disability. A reasonable accommodation can also include making accommodations in rules or policies, such as allowing a seeing-eye dog for a person.

Telephone survey results indicated that failure to allow reasonable accommodations to support disabled persons and resistance to rent to people who are on assistance because of mental disabilities do exist. Fair housing groups and advocacy organizations for the disabled have performed outreach to people with mental disabilities, increasing their awareness that they belong to a protected class and that they are entitled to fair treatment in housing.

Race/Color/or National Origin

Color or race refers to a person’s racial or ethnic background, or in most cases people of minority races such as African-Americans, Hispanics, Native Americans, Alaskan Natives, Asians, or Pacific Islanders. It is also illegal to discriminate because of someone’s national origin, e.g., refusing to rent to all Irish people.

Native Americans

Complaints from people who believe they have been discriminated against because of their race, color, or national origin, continue to be one of the largest areas of complaint activity in Montana. This is due in part, but not exclusively, to the large concentrated Native American population in Montana. According to one fair housing representative, the majority of complaints received at the agency’s office are related to race, color, and national origin, and the majority of those complaints are related to Native Americans.

In a review of over 200 closed complaint records at the HRB, more than three-quarters of the complaints related to race, national origin, and color concerned Native Americans.

Discrimination in housing against Native Americans may be more widespread than evidenced by the number of complaints filed. A study conducted by the Human Rights Commission pointed out that there are cultural factors that may deter Native Americans from confronting discrimination.¹⁶

The study found that often Native Americans were reluctant to file complaints, citing distrust of the government and of the investigation process, a feeling that nothing would be done, and a lack of knowledge about remedies under the fair housing laws. The Commission report explained some cultural reasons for not bringing a complaint:

The woman explained that she had been discriminated against in finding housing, but she chose not to pursue a complaint. Her reason was that if a person harmed her, he would be punished for his action. Her attitude was, "Let it pass; it will be taken care of in another way in the long run." "What goes around comes around," is another expression of the concept. This concept is tied to Indian. . . belief that there are spirit forces in all of nature. . . . For every act, good or bad, supernatural consequences flow from it. Therefore many Indian people see it as unnecessary to challenge the discrimination they encounter.¹⁷

On the other hand, more than 70 percent of these complaints ended in a finding of lack of reasonable cause. This protected class has the highest percentage of complaints that end in a finding of no reasonable cause. This implies the potential for several conditions to exist: lack of cultural tolerance and understanding, misuse of the complaint system in landlord/tenant disputes, or both.

However, Native Americans are not the only victims of alleged discrimination based on race, color, or national origin. Other racially motivated cases are on record; some are mentioned earlier in this report.

¹⁶ *Private Fair Housing Enforcement Focusing on Indians*, Montana Human Rights Commission, Final Report, Fair Housing Assistance Program, January 1989

¹⁷ *Ibid*

Sex

Sex was added as a protected class in the 1970s. It is illegal to discriminate against a person because of his or her sex. Montana also includes marital status as a protected class, and the two areas are often cited in the same discrimination complaint, e.g., a single mother.

Women are not the only victims of sexual discrimination. In one university town, a single father with two boys was denied the opportunity to apply for three-bedroom family housing administered by the school. The school printed and distributed written policies stating preferences for married couples in family housing for students. The man filed a complaint based on sex and marital status. No money was awarded as a result of the complaint filed with the HRC, but the Montana Commissioner of Higher Education agreed to change the policy regarding occupancy limits in family housing.

Sexual Harassment

A growing and related area of housing discrimination based on sex is that of sexual harassment. Survey responses and complaint research indicate that more people are coming forward with complaints of sexual harassment in housing as well as in employment. Harassment by a housing provider, whether based on sex, race, or disability, is considered an impediment to the “peaceful enjoyment of one’s home.”

Sexual harassment in housing takes place when a housing provider makes suggestive remarks about a tenant’s body, dress, manner of walking; makes unwanted physical contact through touching, rubbing, or grabbing; asks for sex in exchange for something such as reduced rent or needed repairs; uses coercion with sexual activity by threat or punishment, such as threats of eviction if sexual advances are refused; or punishes upon rejection of sexual overtures.¹⁸

In general, sexual harassment occurs after a person has moved into housing or when the tenant is “within the power” of the housing provider. Sexual harassment cases are difficult to investigate. There usually are no witnesses around when harassment takes place. It also is difficult to test a housing provider suspected of sexual harassment for the same reasons. Most complaints at the HRB concern men harassing women, but there are also complaints of women harassing men and men harassing men in a sexual manner.

Provision of Brokerage Services

Licensing procedures for real estate agents in Montana

The Board of Realty Regulation, located in Helena, is the licensing authority for real estate professionals in Montana. To apply for a real estate license, an individual must have a high school diploma and provide a credit report and employment history. Before taking the real estate examination, an applicant must complete 60 hours of classes.

¹⁸ *Violence and Intimidation in Housing, A Resource for Fair Housing Groups*, prepared by the Montana Human Rights Network, 1994.

Continuing education is required of all licensed real estate agents. The Board of Realty Regulation added fair housing as a mandatory topic for continuing education in 1996.

	FAIR LENDING LAWS
Real prov	<p>The Home Mortgage Disclosure Act was enacted by Congress in 1975 and amended from 1988 to 1991. The Act is designed to provide the public with loan data that can be used to determine whether financial institutions are serving the housing credit needs of their communities and to assist in identifying possible discriminatory lending patterns.</p> <p>Congress enacted the Equal Credit Opportunity Act in 1974 to promote the availability of credit to all creditworthy applicants without regard to race, color, religion, national origin, sex, marital status, age, receipt of public assistance funds, or the exercise of any right under the Consumer Credit Protection Act. The Act prohibits creditor practices that discriminate on the basis of any of these factors.</p> <p>The Fair Housing Act of 1968 prohibits discrimination in the sale or rental of a dwelling on the basis of race, color, religion, handicap, sex, familial status, or national origin. Under the Fair Housing Act, it is unlawful for any person who engages in the business of making or purchasing residential real estate loans, or in the selling, brokering, or appraising or residential real property, to discriminate against any of the protected classes.</p> <p>The Community Reinvestment Act (CRA) was enacted in 1977 to require each federal financial supervisory agency to encourage financial institutions to help meet the needs of their service areas including low- and moderate-income neighborhoods. The four federal supervisory agencies are the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision.</p> <p>The Americans with Disabilities Act (ADA) of 1990 bans discrimination against people with disabilities in the provision of goods and services, including credit services.</p>
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Provision of Financial Assistance for Dwellings

Overt discrimination in mortgage lending is rarely seen today. Discrimination is more likely to be subtle, reflected in the failure to market loan products to potential minority customers and the failure of lenders to hire and promote staff from racial and ethnic minority groups.¹⁹

All banks in the United States are examined regularly for compliance with federal laws related to consumer compliance and fair lending. The frequency of the examination is dependent upon the past record of the financial institution; a bank with an outstanding record may be examined once every two years, while a bank with a substandard or poor record may be looked at every six months.²⁰ Banks are subject to the fair lending laws outlined below.

¹⁹ *Closing the Gap: A Guide to Equal Opportunity Lending*, The Federal Reserve Bank of Boston, April 1993

²⁰ Telephone conversation September 24, 1996 with Margaret Tyndall, community affairs, the Federal Reserve Bank of Minneapolis

Detailed information about individual banks is available. All banking institutions in the United States fall under one of four federal regulatory agencies: the Office of the Comptroller of the Currency, the Federal Reserve system, the Office of Thrift Supervision, or the Federal Deposit Insurance Corp. Some specific loan analysis was conducted for this study.

There is no central agency within the State of Montana that receives reports from the banking regulatory agencies about compliance with fair lending laws. Reports are available from the regulatory agencies themselves or at the individual banks. The reports are public information.

Lending Activities in Montana

Community Reinvestment Act data from banks in seven Montana communities on or near Indian reservations was collected for the 1994 HRC report *Investigating Systemic Discrimination Against American Indians*. That research found that some of the banks had an “outstanding” status in their most recent CRA evaluation and many had “satisfactory” status.

Some financial institutions in Montana have had problems related to discrimination in lending. These involve complaints of redlining²¹ or an unsatisfactory CRA statement. All of these problems occurred on or near one of the State’s Indian reservations.

In one well-publicized case, a Native American advocacy group successfully challenged and blocked the merger of two banks. Native Action, based in Lame Deer on the Northern Cheyenne Reservation, originally protested the merger between First Interstate BancSystem of Montana and a bank in a neighboring state in January 1990. The group filed a protest under the Community Reinvestment Act, faulting the lending practices of the First Interstate Bank of Colstrip, a branch of the Montana banking company located 15 miles north of the Northern Cheyenne Reservation. The complaint charged that the banking company had not made loans to Indians and had even redrawn its service area to exclude the reservation.

Nearly two years later, the Federal Reserve Board rejected the merger application solely on the basis of the bank’s failure to satisfy requirements of the Community Reinvestment Act.²² It was reported that this was first time in US history a merger was denied on the basis of the CRA requirements.

In September 1992, the First Interstate Bank entered into an agreement with Native Action to increase its lending on the Northern Cheyenne Reservation to provide at least \$4,000,000 in loans on the reservation over a period of five years.

²¹ The systematic refusal by some financial institutions or insurance companies to issue mortgage loans or insurance on property in certain neighborhoods or areas.

²² American Banker newspaper, October 10, 1991

There are some institutional obstacles for banks lending money on Native American reservations. The greatest difficulty is that banks may not be able to foreclose loans on Native American reservations because the land is in trust status. Reasons cited by bankers as obstacles to lending on reservations included:

- Lack of trust in the ability to collect on a loan in tribal court
- Difficulty obtaining adequate title insurance
- Inability to sell home loans on the secondary market
- Sovereign immunity of tribal governments

In the past several years, many banks in Montana have been working proactively to serve the needs of Native Americans. A fair lending committee comprised of representatives from about 15 banks, working with the legal department at the University of Montana, developed uniform commercial codes for all the reservations to use in business transactions. Several of the tribes have signed these agreements. However, not all honor or enforce them equally. Consequently, cooperating bankers, once hopeful that their work would result in a set of uniform codes that each tribe can adopt to facilitate business dealings such as mortgage lending, seem less optimistic today.

HUD Section 184 Indian Housing Program

One program that allows banks to make guaranteed loans on tribal lands is the HUD Section 184 Indian Housing Program. A Native American who will occupy the property as a principal homeowner and has met certain credit and underwriting standards is an eligible borrower. There are no income limits. An Indian Housing Authority (IHA) is an eligible applicant as well. IHAs may borrow funds for the development of single-family homes that may be subsequently sold to eligible borrowers.

The Montana Board of Housing set aside \$1,000,000 in recycled mortgage funds to provide the permanent financing for qualifying lower-income individuals for single-family homes located on trust land on an Indian Reservation that are guaranteed by HUD through Section 184 for Native Americans. The Montana Board of Housing has made five loans under this program and has an additional two in reserve.

Other financial institutions are moving forward with making Section 184 loans, with limited success. One institution indicated that of 16 loans being processed, only one has closed. The Section 184 loan process is purported to be frustrating because of the complexity, the number of agencies involved, and the length of time it takes to complete a loan.

Home Mortgage Disclosure Act data analysis

Data from the Home Mortgage Disclosure Act (HMDA) for the period 1993 through 1998 was collected and analyzed for this study. This data includes all home mortgage loan activities filed with participating commercial lenders in Montana. Lenders in Montana's two metropolitan statistical areas reported loan activity by census tract. The remainder of the state was reported by county and included gender and race of applicant,

amount of loan, disposition of each loan application, and denial reason for all denied loans. However, the data is considered the 'raw' loan account record, and some individual entries may contain errors or omissions. Furthermore, under the HMDA reporting requirements, the reason for denial is not a required field for all financial institutions.

As seen in the first part of Table 11, there were 23,472 loan applications in 1993, a number which rose to nearly 65,500 by 1998. The loans used either conventional methods or were through the FHA, the Veterans Administration, or through what was then known as the Farmers Home Administration, now known as Rural Development. In the middle portion of Table 11, these same applications are presented by loan purpose. Over the 1993 through 1998 period, 92,085 applications were for purchase of a home, 81,819 loan applications were for refinancing, another 25,812 were for home improvements, and 201 related to multi-family dwellings. The bottom portion of the table indicates that of the 92,085 home purchases made from 1993 through 1998, 81,288 were for single-family owner-occupied homes. This segment of the loan activity database is the focus of the HMDA research presented below.

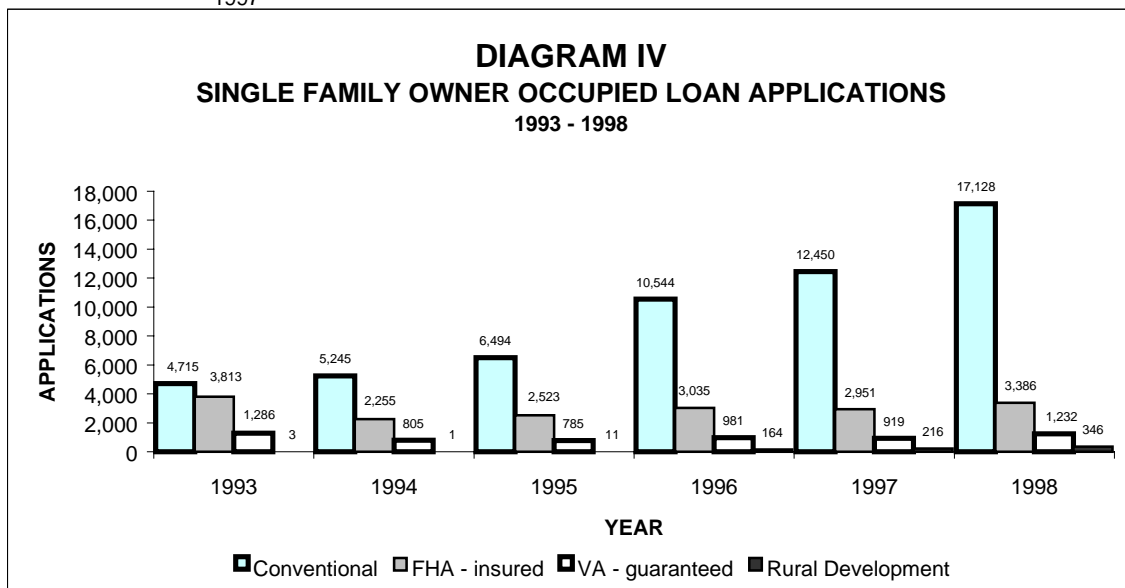
TABLE 11
MONTANA HOME MORTGAGE DISCLOSURE ACT DATA
LOAN APPLICATION ACTIVITY 1993 THROUGH 1998

YEAR →	1993	1994	1995	1996	1997	1998	Total
ALL LOAN APPLICATIONS BY TYPE							
Conventional	13,505	11,974	16,276	26,901	34,208	57,081	159,945
FHA - insured	7,684	3,716	3,563	4,592	4,398	5,860	29,813
VA - guaranteed	2,279	1,226	1,028	1,413	1,200	2,172	9,318
Rural Development	4	2	38	172	242	383	841
TOTAL	23,472	16,918	20,905	33,078	40,048	65,496	199,917
ALL LOAN APPLICATIONS BY USE							
Home Purchase	10,186	9,223	12,800	16,504	18,739	24,633	92,085
Home Improvement	2,266	2,864	4,095	5,376	5,819	5,392	25,812
Refinancing	10,994	4,807	3,981	11,158	15,448	35,431	81,819
Multifamily Dwelling	26	24	29	40	42	40	201
TOTAL	23,472	16,918	20,905	33,078	40,048	65,496	199,917
ALL SINGLE-FAMILY OWNER-OCCUPIED LOAN APPLICATIONS BY TYPE							
Conventional	4,715	5,245	6,494	10,544	12,450	17,128	56,576
FHA - insured	3,813	2,255	2,523	3,035	2,951	3,386	17,963
VA - guaranteed	1,286	805	785	981	919	1,232	6,008
Rural Development	3	1	11	164	216	346	741
TOTAL	9,817	8,306	9,813	14,724	16,536	22,092	81,288

Diagram IV presents the single-family owner-occupied loan applications graphically. In 1998, the vast majority of loan applications, 17,128 or 77.5 percent, are handled by use of conventional loans, with FHA, VA, and Rural Development addressing 15.3, 5.5, and 1.7 percent respectively. There have been so few Rural Development loans that the "bar" on the graph often does not appear. The average size and the total amount of the loan applications are presented in Table 12.

TABLE 12
MONTANA HMDA
HOME PURCHASE LOAN APPLICATIONS
1993 THROUGH 1998

Year	Loan type	Average Loan Size	Total Loan Amount (\$1,000)	Total Applications
1993	Conventional	64,526	304,239	4,715
	FHA - insured	62,633	238,821	3,813
	VA - guaranteed	73,280	94,238	1,286
	Rural Development	49,000	147	3
1994	Conventional	64,382	337,683	5,245
	FHA - insured	63,727	143,704	2,255
	VA - guaranteed	77,839	62,660	805
	Rural Development	56,000	56	1
1995	Conventional	62,754	407,526	6,494
	FHA - insured	68,956	173,975	2,523
	VA - guaranteed	84,159	66,065	785
	Rural Development	64,182	706	11
1996	Conventional	66,971	706,144	10,544
	FHA - insured	71,140	215,909	3,035
	VA - guaranteed	89,596	87,894	981
	Rural Development	63,183	10,362	164
1997	Conventional	66,971	706,144	10,544
	FHA - insured	71,140	215,909	3,035
	VA - guaranteed	89,596	87,894	981
	Rural Development	63,183	10,362	164
1998	Conventional	68,110	847,972	12,450
	FHA - insured	68,110	847,972	3,386
	VA - guaranteed	68,110	847,972	1,232
	Rural Development	68,110	847,972	346



	FHA - insured	73,287	216,270	2,951
	VA - guaranteed	91,539	84,124	919
	Rural Development	67,356	14,549	216
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	Conventional	73,974	1,267,030	17,128
1998	FHA - insured	75,446	255,460	3,386
	VA - guaranteed	96,830	119,294	1,232
	Rural Development	77,503	26,816	346

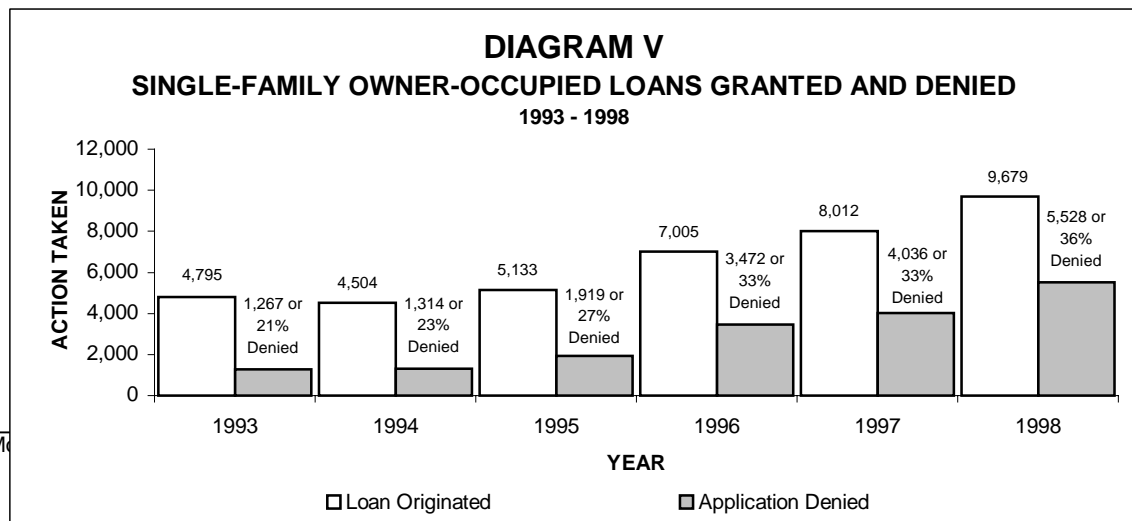
From 1993 to 1998, total loan application activity handled with conventional loan instruments rose four-fold, from \$304 million to over \$1.2 billion. In 1998, conventional loan applications had the smallest average: \$73,974.

HMDA requires the lending institution to identify one of the following alternative actions on each loan.

1. Loan originated
2. Application approved but not accepted
3. Application denied by financial institution
4. Application withdrawn by applicant
5. File closed for incompleteness
6. Loan purchased by the institution

The first item, “loan originated,” indicates that the loan was granted by the bank. The third item indicates that the loan was denied by the bank. Each of the others indicates different outcomes for the disposition of the loan. Item 2 indicates that the loan application was withdrawn by the applicant but approved by the bank. Here, the applicant typically closes with a different institution offering better terms. For items four and five, the applicant withdrew for reasons unknown to the bank, or the bank closed the file due to incomplete information. Item six indicates that the bank purchased the mortgage on the secondary market. These loan records are likely duplicates, since the loans were granted previously and then re-sold.

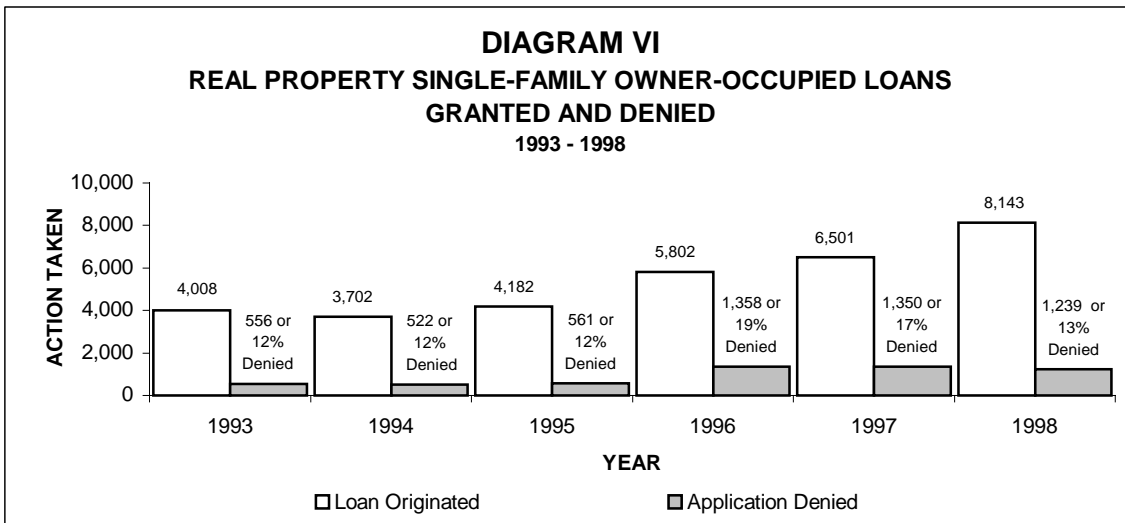
Diagram V presents the number of loan applications either granted (originated) or denied, with the percent denied of this subtotal, over the 1993 through 1998 period. The number of loan applications for single-family home ownership has increased significantly. However, loan denials have risen at a much faster rate, growing from 21 percent in 1993 to 36 percent of all applications by 1998.



This relatively sharp rise in the denial rate over the last three years is cause for caution. The MDOC inspected the denial data in greater detail, and some very interesting evidence suggests that there may be issues in the lending market for home ownership in Montana.

It appears that many prospective homebuyers, particularly those wishing to purchase mobile or manufactured homes, are facing a slightly different marketplace, as the loans are underwritten as personal property rather than as real property (as would be the case for most home mortgage loans). After conferring with the HUD office in Helena, the MDOC has been lead to believe that of 196 lending institutions operating in Montana in 1998, eight lenders focus on mobile home lending. These eight have been separated from the above statistics, giving rise to two separate views of home ownership lending: Real Property Lending and Personal Property/Installment Credit. These two concepts, and the underlying data, are presented separately.

Real Property Lending: For the remaining 188 lenders, which include both Montana lenders and out-of-state entities, the statistics regarding loans originated and loans denied are strikingly different. In 1993, the real property lenders had a 12 percent denial rate and just a 13 percent denial rate in 1998. Diagram VI presents the number of loans originated and the number and percent denied over this entire time period.



The data regarding denial rates was further inspected by race and gender of head of household. Overall, denial rates appear to have peaked in 1996 and have ebbed since. While white and non-white populations have different denials, with whites typically lower, there appears to be some convergence of the denial rates over the past few years. For example, in 1994, denial rates were 11 percent for whites but 20 percent for Asians. In 1998, these denial rates were 15 percent and 12 percent, respectively. In 1993, the Native American denial rate was actually lower than whites, and while rising to some 35 percent in 1996, has fallen back to a somewhat more reasonable 25 percent. These statistics are presented in Diagram VII, below.

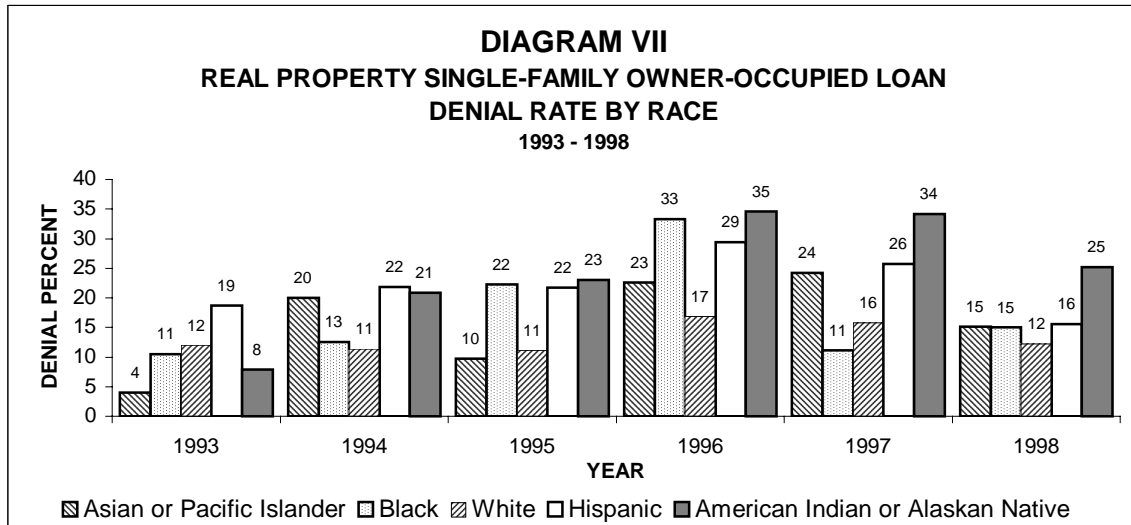


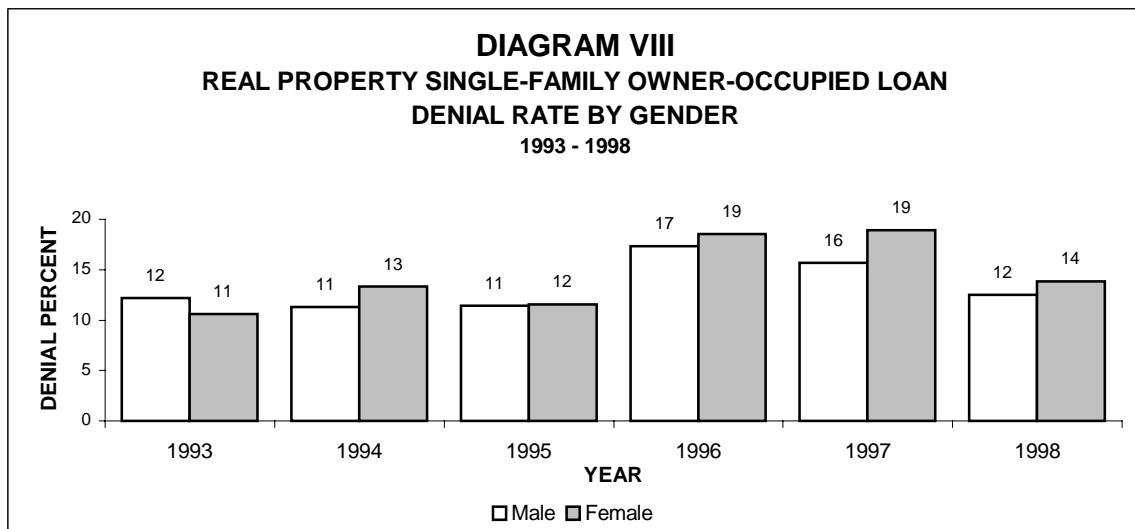
Table 13 presents this same data in tabular form.

TABLE 13
REAL PROPERTY SINGLE-FAMILY OWNER-OCCUPIED LOAN DENIALS BY RACE
1993 - 1998

		1993	1994	1995	1996	1997	1998	Total
American Indian or Alaskan Native	Loan Originated	47	38	50	68	81	86	370
	Application Denied	4	10	15	36	42	29	136
	Total	51	48	65	104	123	115	506
Asian or Pacific Islander	Loan Originated	24	12	28	24	25	28	141
	Application Denied	1	3	3	7	8	5	27
	Total	25	15	31	31	33	33	168
Black	Loan Originated	17	7	7	12	8	17	68
	Application Denied	2	1	2	6	1	3	15
	Total	19	8	9	18	9	20	83
Hispanic	Loan Originated	39	50	36	48	72	87	332
	Application Denied	9	14	10	20	25	16	94
	Total	48	64	46	68	97	103	426
White	Loan Originated	3,666	3,438	3,874	5,411	5,988	7,215	29,592
	Application Denied	500	440	485	1,098	1,119	1,008	4,650
	Total	4,166	3,878	4,359	6,509	7,107	8,223	34,242
Other	Loan Originated	15	4	7	24	27	23	100

	Application Denied		1	1	13	5	6	26
	Total	15	5	8	37	32	29	126
Not Provided by Applicant	Loan Originated	178	145	178	208	295	679	1,683
	Application Denied	39	48	44	163	146	162	602
	Total	217	193	222	371	441	841	2,285
Not Applicable	Loan Originated	22	8	2	7	5	8	52
	Application Denied	1	5	1	15	4	10	36
	Total	23	13	3	22	9	18	88
TOTAL DENIED		556	522	561	1,358	1,350	1,239	5,586

This data has also been analyzed by gender of head of household. Over the six-year period, the denial rates between male and female head of households are within one or two percentage points. In 1993, females had a rate of 11 percent and males 12 percent. In 1998, females were denied 14 percent and males 12 percent; however, denial rates have dropped some in the last few years. This information is portrayed in Diagram VIII.



This denial rate data, by gender of head of household, is presented below in Table 14.

TABLE 14
REAL PROPERTY SINGLE-FAMILY OWNER-OCCUPIED
LOAN DENIALS BY GENDER
1993-1998

		1993	1994	1995	1996	1997	1998	Total
Male	Loan Originated	3,216	2,928	3,268	4,385	4,976	5,945	24,718
	Application Denied	447	373	422	920	924	849	3,935
	Total	3,663	3,301	3,690	5,305	5,900	6,794	28,653
Female	Loan Originated	675	701	775	1,253	1,319	1,654	6,377
	Application Denied	80	108	101	285	308	266	1,148
	Total	755	809	876	1,538	1,627	1,920	7,525
Not Provided by Applicant	Loan Originated	95	68	137	159	202	537	1,198
	Application Denied	27	36	37	140	114	114	468
	Total	122	104	174	299	316	651	1,666
Not Applicable	Loan Originated	22	5	2	5	4	7	45
	Application Denied	2	5	1	13	4	10	35
	Total	24	10	3	18	8	17	80
TOTAL DENIED		556	522	561	1,358	1,350	1,239	5,586

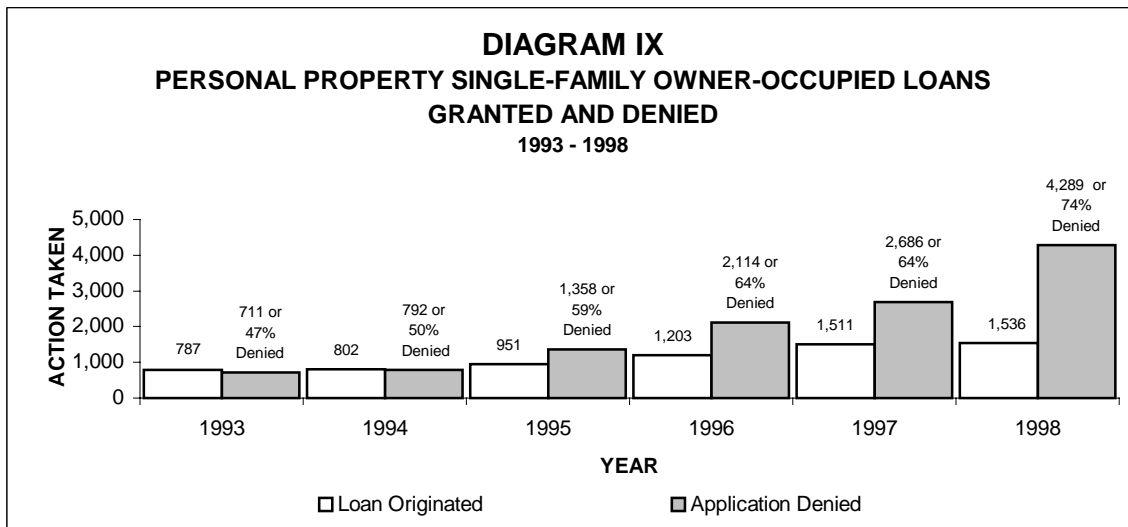
A review of the HMDA denial reasons for each of the applications denied was also performed. The reason for denial is not a required field for all institutions under the HMDA guidelines.²³ Despite this, Table 15 presents the denial reasons for all denied applicants, with about 25 percent of denied applicants reported as “missing data” due to lack of denial codes. Denials that are explained indicate that credit history and debt-to-income ratios are the chief culprits to a failed home loan application, comprising 34.7 and 29.7 percent of the total explained over the six-year period, respectively.

TABLE 15
MONTANA HOME MORTGAGE DISCLOSURE ACT DATA
DENIAL REASONS 1993 - 1998

Reason	1993	1994	1995	1996	1997	1998	Total
Debt-to-income Ratio	106	143	128	285	314	266	1,242
Employment History	37	33	39	59	63	45	276
Credit History	154	125	169	261	360	383	1,452
Collateral	52	33	45	93	107	94	424
Insufficient Cash	40	18	29	26	38	36	187
Unverifiable Information	8	8	7	11	17	12	63
Credit Application Incomplete	17	11	7	22	27	42	126
Mortgage Insurance Denied	1	1	1		1		4
Other	32	51	46	71	102	105	407
Missing Data	109	99	90	530	321	256	1,405
TOTAL DENIED	556	522	561	1,358	1,350	1,239	5,586

²³ Seven federal agencies that regulate or oversee financial institutions contribute to the HMDA data base: Office of the Comptroller of the Currency (OCC), the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision (OTS), National Credit Union Administration, and the Department of Housing and Urban Development. Only the OCC and OTS require a denial reason code.

Personal Property/Installment Lending: Eight lenders²⁴ account for most of Montana's loan denials. The lenders attempt to make single-family owner-occupied home loans by treating them as personal property loans, installment credit, thereby equating the housing unit with lending for an automobile or boat. Here, evidence suggests a wildly different set of issues, particularly because none of these financial institutions can be considered Montana lenders. Denial rates for these lenders were 47 percent in 1993, drastically higher than the real property lenders, which were only 12 percent in 1993. Denials by these personal property lenders have risen very quickly, all the way to 74 percent of all loan applications by 1998. In fact, these eight lenders had 4,289 denials compared to 1,239 of all the other 188 Montana lenders combined.²⁵ Loans granted (originated) and denied are portrayed graphically in Diagram IX.



As was done for the real property lenders, an analysis of the racial and gender composition of denials was performed. In regard to race, white denial rates are below the average of the eight personal property lenders, and non-whites above the average. In particular, in 1998, whites, for this class of lender, garnered a 60 percent denial rate, but Native Americans were subjected to an 88 percent denial rate. This is unusually high. These denial rates, particularly for Native Americans, do not appear to be a reasonable reflection of the mortgage industry in Montana. A graphical representation of the data is offered in Diagram X.

²⁴ The names of the eight financial lenders are available from the Montana Department of Commerce, Housing Division. All of them are out-of-state institutions. Please contact the MDOC at 1-406-444-0092.

²⁵ Seventy-eight percent of the personal property denials over the six-year period, or 9,361 denials, were handed out by HUD-regulated financial institutions. Thirteen percent more were institutions regulated by the Federal Reserve System. The HUD office in Helena, Montana, has theorized that these denied loan applications relate to mobile home loans brokered by mobile home dealers throughout the state. Unfortunately, there is no evidence to support this theory at this time.

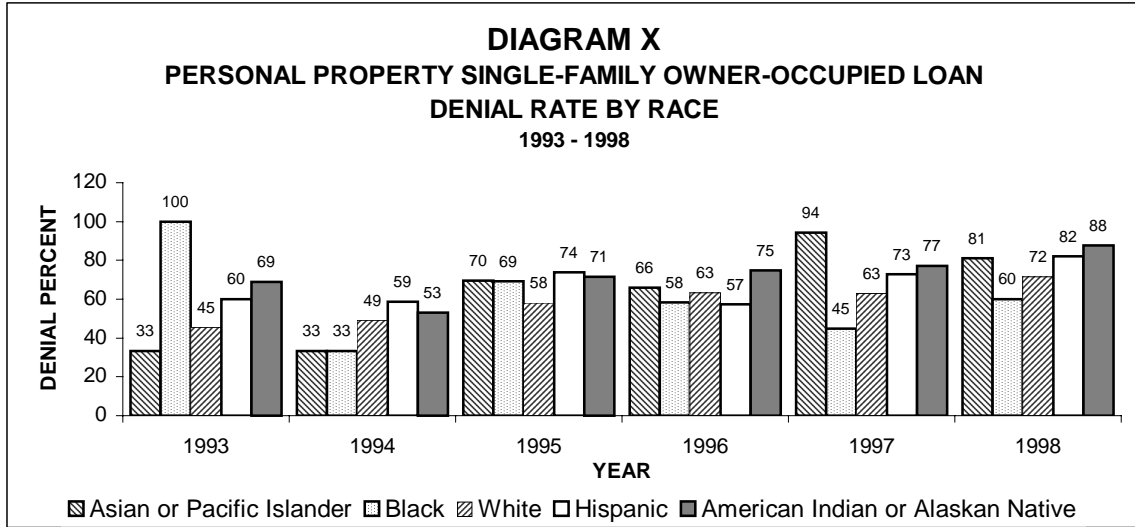
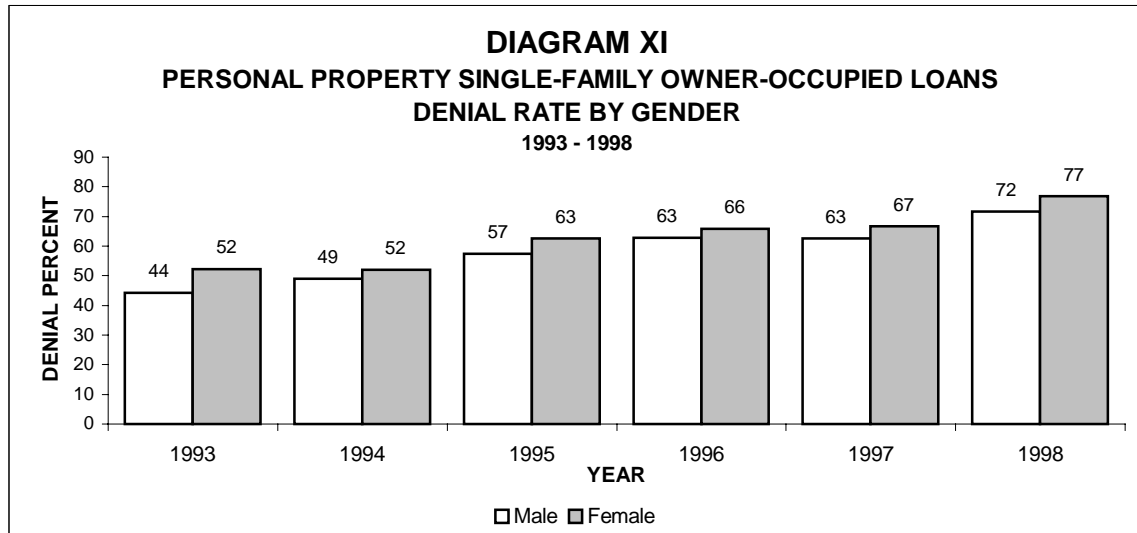


Table 16 on the following page presents this data in tabular form.

TABLE 16
PERSONAL PROPERTY SINGLE-FAMILY OWNER-OCCUPIED LOAN DENIALS
BY RACE
1993 - 1998

		1993	1994	1995	1996	1997	1998	Total
American Indian or Alaskan Native	Loan Originated	15	22	20	30	50	67	204
	Application Denied	33	25	50	89	168	481	846
	Total	48	47	70	119	218	548	1,050
Asian or Pacific Islander	Loan Originated	2	6	7	16	1	6	38
	Application Denied	1	3	16	31	17	26	94
	Total	3	9	23	47	18	32	132
Black	Loan Originated		2	4	5	11	10	32
	Application Denied	1	1	9	7	9	15	42
	Total	1	3	13	12	20	25	74
Hispanic	Loan Originated	4	7	6	20	15	15	67
	Application Denied	6	10	17	27	40	69	169
	Total	10	17	23	47	55	84	236
White	Loan Originated	764	751	905	1,128	1,402	1,383	6,333
	Application Denied	637	728	1,256	1,949	2,378	3,477	10,425
	Total	1,401	1,479	2,161	3,077	3,780	4,860	16,758
Other	Loan Originated	1	6	4	1	9	13	34
	Application Denied		9	3	6	18	30	66
	Total	1	15	7	7	27	43	100
Not Provided by Applicant	Loan Originated	1	8	5	3	23	42	82
	Application Denied	33	16	7	5	56	191	308
	Total	34	24	12	8	79	233	390
Not Applicable	Loan Originated							
	Application Denied							
Total		69	53	71	75	77	88	81
TOTAL DENIED		711	792	1,358	2,114	2,686	4,289	11,950

This particular set of data has also been analyzed by gender of head of household. Over the six-year period, denial rates for both genders have risen, with denial rates for females two to five percent higher each year. While of interest, this is not an extreme difference. Still, in recent years, this is contrary to the statistics of real property lenders where denial rates have fallen. The data is presented in Diagram XI.



The denial rate data has been tabulated in Table 17.

TABLE 17
PERSONAL PROPERTY SINGLE-FAMILY OWNER-OCCUPIED LOAN DENIALS
BY GENDER OF HEAD OF HOUSEHOLD
1993 - 1998

		1993	1994	1995	1996	1997	1998	Total
Male	Loan Originated	601	613	712	859	1,061	1,054	4,900
	Application Denied	476	587	961	1,448	1,783	2,677	7,932
	Total	1,077	1,200	1,673	2,307	2,844	3,731	12,832
Female	Loan Originated	185	183	237	344	432	446	1,827
	Application Denied	202	198	396	665	862	1,483	3,806
	Total	387	381	633	1,009	1,294	1,929	5,633
Not Provided by Applicant	Loan Originated	1	6	2		18	36	63
	Application Denied	33	7	1	1	41	129	212
	Total	34	13	3	1	59	165	275
TOTAL DENIED		711	792	1,358	2,114	2,686	4,289	11,950

It is difficult to conclude why these loans are being denied so often. While the real property lenders had just 25 percent of the data missing, these eight have nearly 90 percent of the loan records not indicating denial reasons. In summary, the differences between the denial rates of real and personal property lenders, particularly denials by

race, are a matter of significant concern because the vast majority of denials are generated by out-of-state lenders regulated by HUD.

Public and Administrative Policies

According to HUD guidelines, the Analysis of Impediments should include a review of “possible actions or admissions in the public sector (including public housing, community development, transportation, and community services) that may affect housing choice.” This examination may include building, occupancy, and health and safety codes; site selection for the construction of public and private housing, including zoning, lot sizes, and provision of essential services; demolition and displacement of residents and businesses; and other related areas. Survey results indicated two primary areas of concern in the state of Montana related to public policy: occupancy standards and exterior access for people with disabilities.

Occupancy standards are an ongoing issue for landlords and property managers in many states and communities, particularly as this is an area that can generate housing complaints based on familial status, or in some cases, on national origin. Landlords complain that occupancy standards are unclear, thus leaving decisions about occupancy limits to their discretion. Different cultures may have differing standards of how to live and how many people live together, complicating the issue. This policy generated a moderate response from survey participants.

An area of greater concern is related to external access around buildings and dwellings. The Montana Governor’s Advisory Council on Disability was formed in June 1994, by an executive order of Governor Marc Racicot. The council was charged with recommending steps to promote the implementation of the Americans with Disabilities Act in Montana State government. In its final report completed in August 1996, the council included a recommendation to expand the authority of the Building Codes Bureau to enforce standards directed toward the construction of exterior parking and walkways around new construction or extensive renovation projects. This has not yet been accomplished.

Current Montana law does not require building code inspectors to inspect parking areas and pathways to the entrances of buildings. As a result, even though new buildings are being constructed in compliance with federal accessibility standards, they are only accessible from the entranceway inward, since the building codes do require the inspection of buildings from the entranceway inward. Therefore, people with disabilities may have difficulties getting to a building that may be handicapped accessible on the inside. Survey responses indicate that this problem can be construed as an impediment to fair housing.

To illustrate this problem, consider a new 95-unit housing development in Missoula. According to federal law, a percentage of ground floor units in a privately owned facility must be constructed to be handicapped accessible. In this development, about half the ground floor units included accessibility features like wider hallways and doorways. However, units that are accessible inside have two steps leading to the front door. Advocates for the disabled and fair housing continue to work with developers to remedy these problems.

Outreach, Education, Testing, and Enforcement

Outreach and Education

Several organizations in the state including the Human Rights Bureau, fair housing organizations, the Montana Department of Commerce, landlord associations, Realtor boards and others provide fair housing education around the state. There is a perception that the education is not reaching those who need to hear it and that there is a lack of coordination with local landlord associations and Realtor boards. There also is a perception that there is a need to educate landlords who are owner/operators about fair housing law.

Testing and enforcement

Random Testing: Some fair housing advocates strongly support use of “random testing” as a means to measure the extent of housing discrimination. However, the survey also found strong criticism of such a practice. Some respondents viewed the use of such an approach as “sting tactics” that expose landlords, real estate agents, and others who may be acting unwittingly and not be fully apprised of fair housing laws. This then fosters a “hateful” attitude toward fair housing and the fair housing community, rather than a positive respect for fair housing practices and activities.

Programmatic testing: Others suggested that it would behoove property management firms to hire testers to test on-site managers. Testing managers in this manner would provide an opportunity for fair housing education, or bring to light a “bad” manager whose illegal actions expose the property management company to potential liability and litigation.

Complaint-based testing: After receipt of a housing complaint, a test is often conducted to evaluate the validity of the alleged fair housing violation. This practice is seen as a valid way to determine cause and can further substantiate administrative or legal proceedings, if required.

Enforcement: Once a test has been completed, and a cause for a fair housing violation has occurred, mediation or other approach to settlement or resolution of the incident can occur more smoothly.

Summary of Impediments to Fair Housing

The rental market remains the area that generates the greatest number of complaints of housing discrimination. This occurs in a variety of ways:

Different terms and conditions for rental:

Survey responses and complaint research conducted for this report determined that a key problem area in housing discrimination relates to varying terms and conditions for members of protected classes. This includes practices that impose different requirements on members of protected classes, such as requiring employment history from a Native

American but not a white applicant. Another example of this practice is a landlord who shows a single person three different apartments, but only shows a mother with children one unit.

Disparate treatment in rental property:

This category refers to patterns of discriminatory behavior that are much harsher than “different terms and conditions,” and which typically take place after rental has occurred. Activities such as racial intimidation, sexual harassment, or verbal abuse would fall into this area, as would segregation or widely different rates of rent.

Discriminatory advertising in sale or rental of property:

Historically, there has been a problem with discriminatory classified advertising in Montana. Efforts by a number of agencies and organizations throughout Montana over the last three years have sought to educate advertisers about fair housing laws. A brochure on the subject was cooperatively created and continues to be widely distributed. While not completely resolved, this issue has been reduced significantly by these efforts.

Restrictive covenants in sale of property:

The issue of illegal covenants restricting who may purchase property is an area of concern in the state of Montana. An earlier study by the Human Rights Commission found at least one restrictive covenant banning the sale of property to members of a particular Native American tribe and other covenants banning property sales to people with children. However, recent developments and media coverage of covenant disputes have raised awareness of this issue and contributed to a reduction in this impediment.

Institutional obstacles in lending:

Meeting the lending needs of Native Americans in and around reservations is an ongoing area of concern in Montana. Over the last decade, more than one bank in the state has received a less than satisfactory Community Reinvestment Act (CRA) audit for failing to meet the banking needs of minority citizens or redlining activities. These incidents have occurred in banks near Indian reservations. Furthermore, there are some institutional obstacles relating to property ownership that banks must overcome to successfully lend on tribal trust lands. A group of bankers, tribal representatives, and members of the University of Montana Law School prepared a set of uniform business codes for use on reservations. These have been signed by a few Montana tribes but are occasionally not enforced. Further work in this area will likely reap additional benefits.

Potential flaws in lending market:

The HMDA analysis indicates that of the 196 institutions having lending activities in Montana in 1998, all of Montana's institutions, and all real property lenders for that matter (188 lenders in total), are doing a good job of extending credit to Montana's citizens. On the other hand, eight out-of-state lenders account for 78 percent of all denials, some 4,289. These eight lenders appear to be using installment credit to assist people in purchasing homes, but these denials are disproportionately falling on Native Americans, with nearly 9 out of every 10 Native American applications being denied. Furthermore, most of the denials spring from lenders regulated by HUD. It may be

important to better understand how so few lenders can disappoint so many of Montana's citizens.

ASSESSMENT OF PUBLIC AND PRIVATE FAIR HOUSING PROGRAMS

Montana Human Rights Bureau

The HRB enforces state laws within Montana that prohibit discrimination based on protected class. Filing a complaint before the HRB is the first step in the process. The Bureau conducts impartial investigations of the complaint and attempts an early resolution of the case. The Bureau is authorized to conciliate complaints when substantial evidence exists to document that discrimination has occurred.

A complaint must be filed within 180 days of the date the alleged discrimination occurred. Referrals are made to the Bureau from a variety of sources including fair housing groups, private attorneys, and state agencies. Initial contact is made with the agency through telephone or written inquiry. An investigator conducts an in-take interview, and if it is determined that there is a basis, a complaint is prepared and mailed to the complainant for signature.

The Montana Human Rights Bureau may be reached at:

616 Helena Avenue, Suite 302
Steamboat Block
P.O. Box 1728
Helena, Montana 59624-1724
800-542-0807
TTY: (406) 444-0532

Fair Housing Initiative Programs

The Department of Housing and Urban Development established the Fair Housing Initiatives Program (FHIP) in 1987 as a demonstration program aimed at strengthening the agency's enforcement of the Fair Housing Act. The Housing and Community Development Act of 1992 established FHIP as a permanent program. HUD grants funding for programs that provide services supporting fair housing such as education, outreach, and testing. In Montana, one organization receives FHIP funding: Montana Fair Housing in Missoula.

Montana Fair Housing

Montana Fair Housing (MFH), based in Missoula, has provided fair housing services in western Montana since 1988. Over the last few years, MFH has been pursuing complaints on a statewide basis and has established a satellite office in Billings.

Montana Fair Housing is a full-service fair housing organization, doing complaint intake, investigations, and litigation for all protections offered by federal and state fair housing laws including lending, insurance, sales, and rentals. In addition, full-service agencies must also provide outreach and education, and have a record of meritorious complaints. Montana Fair Housing also assists the Montana Department of Commerce, Board of Realty Regulation, by providing fair housing educational courses for both Property Management and Realty licensing.

Montana Fair Housing may be reached at:

904A Kensington Avenue
Missoula, MT 59801
(406)542-2611

Completed Studies

Equal Housing Opportunity in Montana? A Study of Housing Discrimination for Governor Stan Stephens and The Montana Human Rights Commission

Governor Stan Stephens, by executive order in May 1991, established a nine-member Advisory Council on Housing Discrimination to investigate housing discrimination across the state. The council conducted community forums in 10 cities—Wolf Point, Glendive, Kalispell, Polson, Missoula, Great Falls, Havre, Cut Bank, Hardin, and Billings. During the forums, the advisory council heard 35 hours of testimony by more than 90 people on the issue of housing discrimination and its effect on their communities.

The council issued its report *Equal Housing Opportunity in Montana? A Study of Housing Discrimination for Governor Stan Stephens and The Montana Human Rights Commission* in January 1992. The council found that illegal housing discrimination is a serious problem throughout Montana that adversely affects all of its residents and the health and vitality of its communities.²⁶ In its report to the governor, the council made several recommendations including increased education about fair housing, enhanced enforcement activities, and annual assurances from state agencies of compliance with fair housing laws.

Following the work of the advisory council, housing discrimination complaints received at the HRC jumped more than 100 percent, from 66 complaints in 1991 to 134 complaints in 1992. In 1993 the commission received 140 housing complaints, although the number dropped to 65 in 1994. The rise in complaint filings may be attributed to increased awareness of the issues of housing discrimination as a result of the work of the advisory council.²⁷

²⁶ *EQUAL HOUSING OPPORTUNITY IN MONTANA? A Study of Housing Discrimination for Governor Stan Stephens and the Montana Human Rights Commission*. By the Montana Advisory Council on Housing Discrimination, January 1992

²⁷ Telephone conversation Montana Fair Housing attorney Tim Kelly, September 19, 1996

Investigating Systemic Discrimination Against American Indians

The HRC, funded through a grant with the U.S. Department of Housing and Urban Development, completed a study of systemic discrimination against American Indians in December 1994. The study focused on discrimination in real estate and banking practices affecting American Indians in rural communities on or near the seven Indian reservations in Montana.

The investigative team examined Community Reinvestment Act (CRA) data to determine whether there were patterns of exclusion and examined lending practices in at least one bank in each of the following: Cut Bank, Havre, Harlem, Wolf Point, and Hardin. The study also looked at real estate recording practices in Flathead, Lake, Glacier, Big Horn, and Roosevelt counties to identify covenants restricting the transfer of property to Indians. In addition, the study included an examination of 1992 and 1993 CRA and Home Mortgage Disclosure Act (HMDA) data of banks in the Billings area.

The study made a number of findings including that Indian home loan denial rates in rural areas are higher than the non-Indian denial rate and that the overall number of home loans on reservations is low. The study also noted barriers to banks lending money on the reservations including uncertainty about collecting on loans through tribal courts, difficulty obtaining adequate title insurance, inability to sell home loans on the secondary market, and the sovereign immunity of tribal governments.

Recommendations made in the study included further investigation to determine if disparities in loan approval rates were a result of unlawful discrimination and more education for financial institutions and federal agencies on lending money in Indian country.

Administering and Enforcing Montana's Human Rights Laws. Wanted: A More Just, Effective, and Efficient Resolution on Cases and Complaints. A Report to the Governor and the 54th Legislature

Following a joint resolution of the 54th Legislature, the Montana Legislative Council in 1994 completed a report of the state's administrative system for enforcing human rights laws and alternative enforcement models. The study was authorized in an effort to determine what method of human rights law enforcement best meets the public policy goal of reduced discrimination. At the time the study was undertaken, the average duration of a complaint through the hearing procedure to a final order was two years. The HRC at that time had nearly 700 unresolved cases in its inventory. The report evaluated the pros and cons of seven types of options available and concluded that all had advantages and shortcomings and that none was clearly superior.

PROSPECTIVE ACTIONS FOR THE MONTANA DEPARTMENT OF COMMERCE

Overall, impediments to fair housing still exist in Montana, and all protected classes face them, with varying degrees of frequency and severity. The Montana Department of Commerce carries the responsibility for certifying that HOME and CDBG grantees affirmatively further fair housing. The MDOC also is responsible for conducting the AI, taking actions to address the impediments within its jurisdiction, and monitoring the results. However, MDOC lacks the authority to solve these problems alone. The task of completely eliminating the impediments to fair housing rests on the shoulders of all Montanans.

To facilitate Montana's collective responsibility, the Montana Department of Commerce will:

- Provide referral to the Human Rights Bureau, HUD, the Billings Community Housing Resource Board, and Montana Fair Housing, and, hereby, endorse their complaint-based systems;
- Explore with Montana's mortgage-lending industry the potential reasons for the rising denial rates;
- Continue to monitor the Home Mortgage Disclosure Act information;
 - Request HUD to explore and explain why the institutions they regulate in Montana (as out-of-state interests) appear to so poorly serve the citizens of Montana.
 - Request HUD to review the underwriting policies of the eight purported personal property lenders that had a combined denial rate of 74 percent in 1998, and particularly why Native Americans are denied 9 out of 10 times by these lenders.
 - Attempt to determine if the personal property loan denials are associated solely with mobile home sales, and, if so, if mobile home dealers make multiple attempts to secure an individual a loan, if at first denied a loan.
 - Evaluate whether the results of these HMDA inquiries lead the MDOC to conclude that there is an institutional obstacle in lending for sales of mobile homes. If the MDOC concludes that these conditions have created one, the MDOC may consider other more aggressive measures designed to address this institutional obstacle;
- Explore ways to increase homeownership among all Montanans, focusing on lower-income families, single-parent households, the elderly, and Native Americans;
- Continue to provide fair housing education in MDOC programs, and inform individuals and relevant groups of fair housing education opportunities;

- Continue to consider the results or implications of complaint data provided by the Human Rights Bureau and HUD complaint databases, and fair housing organizations' Fair Housing Initiative Program reports; and,
- Continue to monitor fair housing compliance in grantee projects and authorize grantee administrative funds for HOME- and CDBG-funded projects to conduct activities that affirmatively further fair housing.

To ensure that past, largely eliminated impediments do not return, the MDOC will:

- Continue endorsing a statewide dialogue between key parties in the fair housing arena, such as real estate groups, landlord and property management associations, fair housing advocates, and interested citizens; and,
- Continue to provide information to organizations in Montana, such as realty groups, landlord associations, and the Montana Newspaper Association about liabilities associated with discriminatory advertising practices in housing.

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APPENDIX A

A BRIEF HISTORY OF FAIR HOUSING LAWS

- 1865: 13th Amendment:** Abolished slavery and all the "incidents and badges of slavery." The South responded with the Black Codes to regulate the legal and employment status of Black Americans.
- 1866: Civil Rights Act,** 42 U.S.C. 81982: All citizens of the United States shall have the same right, in every state and territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property.
- 1868: 14th Amendment:** Due process and equal protection of the law.
- 1883: Civil Rights Case** 109 U.S. 3 (1883): U.S. Supreme Court held that the 13th amendment did not prohibit private acts of discrimination.
- 1896: Plessey v. Ferguson** 163 U.S. 537 (1896): Doctrine of "separate but equal" established, effectively institutionalizing segregation in the Unites States.
- 1917: Buchanan v. Warley** 245 U.S. 60: Racial zoning declared unconstitutional.
- 1924: Indian Citizenship Act:** American Indians granted citizenship.
- 1948: Shelley v. Kramer** 334 U.S. 1: State courts could not enforce restrictive covenants on the basis of race, religion, or national origin.
- Hur v. Hodge** 334 U.S. 23: Same constraints on federal courts concerning restrictive covenants.
- 1949: 42 U.S.C.** 51441: Congress set a national goal of a decent home and suitable living environment for every American family.
- 1954: Brown v. Board of Education of Topeka** 344 U.S.C. 1(1954) Reversed the doctrine of separate but equal.
- 1962: Executive Order 11063 on Equal Housing Opportunity:** President Kennedy directed all federal departments and agencies having programs and activities related to housing and urban development to eliminate racial discrimination in federally assisted housing.
- 1964: Title VI of the Civil Rights Act:** Prohibiting discrimination in programs or activities receiving federal financial assistance.
- 1968: Jones v. Alfred Mayer Co.,** 292 U.S. 409, 1 EOH SI3,011 (1968): Racial discrimination in housing is one of the "badges and incidents of slavery."
- Federal Fair Housing Act** April, 1968: Illegal to discriminate in the area of housing because of a person's race, color, religion, and national origin.
- Newbern v. Lake Lorelie. Inc.,** 308 F.Supp. (S.D. Ohio 1968): The use of testers was upheld. A tester does not engage in entrapment if all that is offered is a "favorable opportunity" to discriminate.

1972: U.S. Supreme Court decides that recording restrictive deeds violates the 5th Amendment and the Fair Housing Act of 1968.

1972: U.S. v. Hunter, 459 F.2d 205 (4th Cir.), cert. denied, 409 U.S. 934 (1972): (1) applies to newspapers and other media that carry discriminatory advertising even though someone else drafted and placed the ad; (2) applying fair housing law to advertising does not violate the first amendment's freedom of speech; (3) whether a particular ad violates fair housing law is determined by how an ordinary reader would naturally interpret the ad.

1973: Rehabilitation Act of 1973, Section 504: No otherwise qualified individual with handicaps in the United States, as defined in Section 706(8) of this title shall, solely by reason of his/her handicap, be excluded from the participation, be denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance or under any program or activity conducted by any Executive Agency or by the United States Postal Service.

1974: Montana Human Rights Act: Protected people with disabilities and protected people based on their age.

Federal Fair Housing Act amended to include sex as a protected class.

Equal Opportunity Credit Act passed as amendments to Title VIII of the Consumer Credit Protection Act prohibiting creditors from discriminating in consumer credit transactions. In 1976, the range of protection was expanded to include race, color, national origin, religion, age, and receipt of public benefits, but not familial status or disability. It covers all aspects of a credit transaction and requires creditors to notify rejected applicants of the reasons of an adverse action against them. It requires every lender, upon request, to provide a copy of the appraisal report prepared as part of the loan application process.

1975: Home Mortgage Disclosure Act: requires most lenders to annually disclose information about their residential mortgage lending activities. HMDA is the principal tool used for evaluating lender performance under CRA.

1975: Zuch v Hussey, 394 F.Supp 553 1028, 1 EOH S13, 706 (1975) Evidence gathered as a result of testing may be the only competent evidence available to prove that the defendants engaged in unlawful conduct. (Blockbusting.)

1977: Community Reinvestment Act: designed to combat the practice of redlining. It requires financial institutions to "serve the convenience and needs of the communities in which they are chartered to do business," including low- and moderate-income neighborhoods.

1980: Executive Order 12259 by President Carter: establishment of the President's Committee on Equal Opportunity in Housing.

1982: Havens Realty Corporation v. Coleman, 455 U.S. 372 (1982): U.S. Supreme Court affirmed the standing of a minority tester and fair housing organizations to sue on their own behalf under Title VIII of the Civil Rights Act of 1968.

1983: Shellhammer v. Lewallen (W.D. Ohio Nov. 22, 1983) 4 Eq. Opportunity in Hous. Rep. (P-H) par. 15,472; aff'd without published opinion (6th Cir. 1985) 770 F.2d 167: A federal court held that the sex discrimination prohibition of the federal fair housing act applies to sexual harassment in housing.

- 1987: Housing and Community Development Act:** Authorized HUD Fair Housing Initiatives Program and federal funding of private fair housing groups for complaint-based testing.
- 1988: 1968 Fair Housing Act amended:** to include families with children and people with disabilities; also included stronger enforcement provisions.
- 1991: Montana Human Rights Act M.C.A. 49-2-305 amended:** to include marital status; amended to become substantially equivalent with Federal Fair Housing Act.
- Montana Human Rights Act** amended to include marital status and to become substantially equivalent with the Federal Fair Housing Act.
- 1994: Executive Order** by President Clinton commits all executive agencies of the federal government for the first time to affirmative implementation of fair housing laws; expands Executive Order 11063 to protect persons who are disabled and to families with children. The Executive Order also creates a President's Fair Housing Council comprised of Cabinet-level representatives.
- 1997: Montana Human Rights Act M.C.A. amended:** to eliminate the Human Rights Commission and establish a Human Rights Bureau. Also amended terms regarding acceptance of complaint by Human Rights Bureau and period of time complaint could be filed following alleged fair housing violation.

APPENDIX B

HMDA DATA TABLES

TABLE B.1
MONTANA HMDA
DISPOSITION OF LOAN APPLICATIONS
1993 - 1998

YEAR	Loan Type	Action Taken on Applications	Average Loan Size	Sum of Loans (\$1,000 s)	Total Applications
1993	Conventional	Loan Originated	68,430	177,029	2,587
1993	Conventional	Application Approved but not Accepted	33,382	13,820	414
1993	Conventional	Application Denied	47,957	40,955	854
1993	Conventional	Application Withdrawn	81,345	21,231	261
1993	Conventional	File Closed for Incompleteness	90,043	2,071	23
1993	Conventional	Loan Purchased by Institution	85,300	49,133	576
1993	FHA	Loan Originated	68,207	112,200	1,645
1993	FHA	Application Approved but not Accepted	33,120	3,577	108
1993	FHA	Application Denied	44,157	15,499	351
1993	FHA	Application Withdrawn	58,722	9,924	169
1993	FHA	File Closed for Incompleteness	63,118	1,073	17
1993	FHA	Loan Purchased by Institution	63,393	96,548	1,523
1993	VA	Loan Originated	73,055	40,984	561
1993	VA	Application Approved but not Accepted	79,800	399	5
1993	VA	Application Denied	60,435	3,747	62
1993	VA	Application Withdrawn	74,508	4,843	65
1993	VA	File Closed for Incompleteness	74,500	447	6
1993	VA	Loan Purchased by Institution	74,647	43,818	587
1993	Rural Development	Loan Originated	50,500	101	2
1993	Rural Development	Application Withdrawn	46,000	46	1
1994	Conventional	Loan Originated	70,086	200,587	2,862
1994	Conventional	Application Approved but not Accepted	40,622	17,630	434
1994	Conventional	Application Denied	43,475	48,257	1,110
1994	Conventional	Application Withdrawn	72,110	23,652	328
1994	Conventional	File Closed for Incompleteness	90,738	3,811	42
1994	Conventional	Loan Purchased by Institution	93,275	43,746	469
1994	FHA	Loan Originated	64,103	78,462	1,224
1994	FHA	Application Approved but not Accepted	39,333	1,062	27
1994	FHA	Application Denied	54,297	8,416	155
1994	FHA	Application Withdrawn	58,574	9,899	169
1994	FHA	File Closed for Incompleteness	67,200	336	5
1994	FHA	Loan Purchased by Institution	67,450	45,529	675
1994	VA	Loan Originated	75,739	31,659	418
1994	VA	Application Approved but not Accepted	130,000	130	1
1994	VA	Application Denied	74,042	3,554	48
1994	VA	Application Withdrawn	75,375	3,618	48
1994	VA	File Closed for Incompleteness	84,333	253	3
1994	VA	Loan Purchased by Institution	81,693	23,446	287
1994	Rural Development	Application Denied	56,000	56	1
1995	Conventional	Loan Originated	70,725	234,172	3,311
1995	Conventional	Application Approved but not Accepted	48,819	35,296	723
1995	Conventional	Application Denied	44,256	75,987	1,717
1995	Conventional	Application Withdrawn	75,862	28,524	376
1995	Conventional	File Closed for Incompleteness	82,000	3,198	39
1995	Conventional	Loan Purchased by Institution	92,527	30,349	328
1995	FHA	Loan Originated	69,191	97,629	1,411
1995	FHA	Application Approved but not Accepted	59,250	1,185	20
1995	FHA	Application Denied	62,828	9,864	157
1995	FHA	Application Withdrawn	64,468	12,120	188
1995	FHA	File Closed for Incompleteness	60,500	242	4
1995	FHA	Loan Purchased by Institution	71,245	52,935	743
1995	VA	Loan Originated	84,215	34,023	404

1995	VA	Application Approved but not Accepted	80,000	80	1
1995	VA	Application Denied	69,068	3,039	44
1995	VA	Application Withdrawn	77,816	3,813	49
1995	VA	File Closed for Incompleteness	54,625	437	8
1995	VA	Loan Purchased by Institution	88,434	24,673	279
1995	Rural Development	Loan Originated	65,143	456	7
1995	Rural Development	Application Denied	70,000	70	1
1995	Rural Development	Application Withdrawn	72,500	145	2
1995	Rural Development	File Closed for Incompleteness	35,000	35	1
1996	Conventional	Loan Originated	74,352	351,609	4,729
1996	Conventional	Application Approved but not Accepted	53,101	56,977	1,073
1996	Conventional	Application Denied	48,859	155,323	3,179
1996	Conventional	Application Withdrawn	74,138	38,700	522
1996	Conventional	File Closed for Incompleteness	116,786	8,175	70
1996	Conventional	Loan Purchased by Institution	98,208	95,360	971
1996	FHA	Loan Originated	70,222	116,780	1,663
1996	FHA	Application Approved but not Accepted	69,655	2,020	29
1996	FHA	Application Denied	61,925	12,323	199
1996	FHA	Application Withdrawn	66,425	11,890	179
1996	FHA	File Closed for Incompleteness	62,455	687	11
1996	FHA	Loan Purchased by Institution	75,691	72,209	954
1996	VA	Loan Originated	88,283	44,230	501
1996	VA	Application Approved but not Accepted	67,056	1,207	18
1996	VA	Application Denied	81,446	6,027	74
1996	VA	Application Withdrawn	91,321	4,840	53
1996	VA	File Closed for Incompleteness	38,000	38	1
1996	VA	Loan Purchased by Institution	94,467	31,552	334
1996	Rural Development	Loan Originated	67,420	7,551	112
1996	Rural Development	Application Approved but not Accepted	78,000	156	2
1996	Rural Development	Application Denied	48,650	973	20
1996	Rural Development	Application Withdrawn	58,471	994	17
1996	Rural Development	File Closed for Incompleteness	19,000	57	3
1996	Rural Development	Loan Purchased by Institution	63,100	631	10
1997	Conventional	Loan Originated	75,703	430,523	5,687
1997	Conventional	Application Approved but not Accepted	57,879	86,992	1,503
1997	Conventional	Application Denied	48,679	183,518	3,770
1997	Conventional	Application Withdrawn	90,333	37,488	415
1997	Conventional	File Closed for Incompleteness	93,025	7,442	80
1997	Conventional	Loan Purchased by Institution	102,522	102,009	995
1997	FHA	Loan Originated	72,655	124,385	1,712
1997	FHA	Application Approved but not Accepted	69,394	2,290	33
1997	FHA	Application Denied	61,304	11,280	184
1997	FHA	Application Withdrawn	63,673	7,195	113
1997	FHA	File Closed for Incompleteness	62,278	1,121	18
1997	FHA	Loan Purchased by Institution	78,562	69,999	891
1997	VA	Loan Originated	91,921	41,824	455
1997	VA	Application Approved but not Accepted	101,556	914	9
1997	VA	Application Denied	77,814	4,591	59
1997	VA	Application Withdrawn	74,056	5,258	71
1997	VA	File Closed for Incompleteness	79,500	1,113	14
1997	VA	Loan Purchased by Institution	97,826	30,424	311
1997	Rural Development	Loan Originated	69,582	10,994	158
1997	Rural Development	Application Approved but not Accepted	35,500	71	2
1997	Rural Development	Application Denied	60,391	1,389	23
1997	Rural Development	Application Withdrawn	65,409	1,439	22
1997	Rural Development	File Closed for Incompleteness	43,000	129	3
1997	Rural Development	Loan Purchased by Institution	65,875	527	8
1998	Conventional	Loan Originated	83,830	585,386	6,983
1998	Conventional	Application Approved but not Accepted	61,932	117,051	1,890
1998	Conventional	Application Denied	50,046	263,292	5,261
1998	Conventional	Application Withdrawn	89,038	72,744	817
1998	Conventional	File Closed for Incompleteness	82,642	11,074	134
1998	Conventional	Loan Purchased by Institution	106,453	217,483	2,043
1998	FHA	Loan Originated	75,154	137,381	1,828
1998	FHA	Application Approved but not Accepted	78,390	3,214	41

1998	FHA	Application Denied	64,541	12,650	196
1998	FHA	Application Withdrawn	71,083	14,572	205
1998	FHA	File Closed for Incompleteness	61,542	1,477	24
1998	FHA	Loan Purchased by Institution	78,907	86,166	1,092
1998	VA	Loan Originated	97,588	57,284	587
1998	VA	Application Approved but not Accepted	105,556	2,850	27
1998	VA	Application Denied	83,558	4,345	52
1998	VA	Application Withdrawn	88,980	4,538	51
1998	VA	File Closed for Incompleteness	80,111	721	9
1998	VA	Loan Purchased by Institution	97,937	49,556	506
1998	Rural Development	Loan Originated	79,826	22,431	281
1998	Rural Development	Application Approved but not Accepted	97,000	582	6
1998	Rural Development	Application Denied	66,579	1,265	19
1998	Rural Development	Application Withdrawn	65,083	781	12
1998	Rural Development	File Closed for Incompleteness	32,250	129	4
1998	Rural Development	Loan Purchased by Institution	67,833	1,628	24

APPENDIX C

FIRMS, ORGANIZATIONS, AND INDIVIDUALS PARTICIPATING IN TELEPHONE SURVEYS

Contacts Made in 1996

Pat Admire	Bozeman Bd. of Realtors
Toni Austad	Council for Concerned Citizens
Geoff Bayless	Fidelity Management
Roy Beall	City of Bozeman
Maria Beltran	Montana Legal Services
Ernie Bighorn	Indian Dev. & Educ. Alliance
Julie Bornhoeft	Battered Women's Network
Al Buhr	Valley Bank
Carolyn Brock	Anaconda Indian Alliance
Russ Brown	CHRB Projects Director
Rhonda Carpenter	Montana Housing Providers
Chuck Celania	First Security Bank
Laura Dygert	AFL-CIO Women's Group
Sue Fifield	Montana Fair Housing
Dave Fishbaugh	Habitat for Humanity
Kim Fisher	Native Action
Mary Gallagher	Attorney, MT Advocacy
Dave Gentry	Disabled advocate
Bruce Gobeo	Attorney
Pam Gouse	Bitterroot Valley Bd. of Realtors
Thomas Grau	Century Insurance Agency
Danny Green	Montana Fair Housing
Wayne Haines	First National Bank
Joanne Hale	Helena Housing Authority
Pete Hansen	MT Landlords Assn.
Mae Hassman	Missoula Co. Assn. of Realtors
David Henry	Montana People's Action
Linda Henry	Initiatives Project, CCC
Daphne Herling	CMCD
Chris Hoiness	Hoiness LaBar Insurance
Joan Jonkell	Attorney
Jack Keith	Blackfeet National Bank
Susan Kunda	Flathead Co. Ombudsman
Mari Laursen	Western MT Landlords Assn
Rick Linafelper	MT. Landlords Assn.
Terry Lobdell	Community First Bank
Pat Lockwood	Living Independently
Naomi Longfox	No. American Indian Alliance
Sheila Maddux	HUD-FHEO
Mary McCue	MT Landlords Assn., atty
Brian McCullough	MT Landlords Assn., Helena
Joy McGrath	Mental Health Assn. of MT
Margaret Morgan	MT Assn. of Realtors
Dennis Mullen	Eastern MT. Bd. of Realtors
Craig Ostman	Norwest Bank
Eldon Piper	Eastern MT Landlords Assn.
Machel Poier	NW MT Human Resources
Michael Regnier	Equal Access Consulting
John Sampsel	MONAMI
Diane Savasten	Havre Bd. of Realtors
Kathy Schulte	NW MT Assn. of Realtors
Gerald Sherman	First Interstate Bank
Karen Smith	Habitat for Humanity
Claudia Stephens	Montana Migrant Council
Vinee Thompson	MT Landlords Assn., Havre
Gene White	Century 21
Charlie Yegen	Peter Yegen, Jr., Inc.
Ziggy Ziegler	County Commissioner

Contacts Made in 1999

PROPERTY MANAGEMENT INTERVIEWEES

#	City	Firm	Contact #
1	Anaconda	Rocky Mountain Property Management	563-3595
2	Bigfork	Bigfork Rental Agency	837-6424
3	Bigfork	Eagle Bend Rental & Property Management	837-4942
4	Billings	Professional Management Inc.	259-7870
5	Bozeman	Rental Professionals	585-1775
6	Bozeman	Peak Property Management	585-7776
7	Bozeman	Montana Management Ventures	585-5612
8	Bozeman	Intermountain Property Management	586-1503
9	Browning	Gary Nelson	862-6373
10	Butte	Jean Rupert	782-2721
11	Butte	Ball Property Management	782-7010
12	Columbia Falls	Columbia Falls Realty	892-3000
13	Corvallis	McQuaid Realty	961-3254
14	Deer Lodge	T W Bar	846-1398
15	Dillon	Carriage House Realty	683-4211
16	Drummond	Bitterroot Property Management	549-9631
17	Glendive	A&M Crisafulli Sales	365-8900
18	Great Falls	Quality Management Inc	761-6333
19	Hamilton	Paradise Property Management	363-2978
20	Havre	Northern Land & Realty	265-2253
21	Helena	American Buildings Inc.	442-7178
22	Helena	Project Management Inc.	443-0558
23	Helena	Helena Housing Authority	442-7970
24	Kalispell	All Pro Rental Management	755-1332
25	Kalispell	Flathead Property Management	752-5480
26	Kalispell	Gateway Village Management	257-9057
27	Lakeside	Valley Property Management	844-0700
28	Lewistown	Del Realty & Property Management	538-6991
29	Lewistown	Skyland Realty	538-8949
30	Libby	Town and County Property Management	293-7559
31	Livingston	Paradise Properties	222-7779
32	Miles City	Miles City Housing Authority	232-3433
33	Missoula	Garden City Property Management	549-6106
34	Red Lodge	Red Lodging	446-1272
35	Red Lodge	Summit Property Management	446-1268
36	Ronan	Ronan Housing Authority	676-5900
37	Stevensville	Properties West	777-5556
38	Thompson Falls	Hurd Bush Realtors	827-3260
39	Victor	Masters Management	642-3891
40	Whitefish	Harbor Realty & Management Company	862-5511
41	Whitefish	Landlord	862-5263
42	Whitefish	Whitefish Property Management	863-4651
43	Wolf Point	Fort Peck Housing Authority	768-3459
44	Wolf Point	US Housing Authority	653-2182
45	Billings	Enterprise Properties	256-5336
46	Billings	Executive Property Services	248-5166
47	Billings	Management & Consulting Services	652-4151
48	Condon	Swan Valley Property Management	754-2553
49	Thompson Falls	Dave Bennett Properties	827-4663
50	Columbus	Parks Real Estate	322-4115

REAL ESTATE SALES: BROKERS AND AGENTS

#	City	Firm	Contact #
1	Dillon	Pioneer Real Estate	683-4431
2	Hardin	Murdock Realty	665-1122
3	Chinook	Inman Real Estate	357-2227
4	Townsend	Jepson Realty	266-3121
5	Baker	Northwest Real Estate	778-2995
6	Great Falls	Northwest Real Estate	453-5565
7	Fort Benton	Jill Selon	622-3803
8	Miles City	Kate Eichler	232-3681
9	Glendive	Realty One	365-5201
10	Anaconda	Keystone Realty	563-3595
11	Lewistown	Greater Montana Land Co.	538-5448
12	Lewistown	Century 21	538-2821
13	Kalispell	Hometown Properties	257-5661
14	Kalispell	John L. Scott Real Estate	755-8180
15	Bozeman	Rocky Mtn. Realty	587-3164
16	Bozeman	RCI Realty	587-7653
17	Havre	Flynn Realty	265-7845
18	Havre	McKay Realty	265-3105
19	Havre	Witt Realty	265-2236
20	Whitehall	Mountain View Realty	287-3274
21	Polson	Mission Mountain Realty	883-5111
22	Helena	Heritage Realty	443-1432
23	Helena	Broadwater Realty	266-3160
24	Chester	Bootlegger Realty, Inc.	759-5560
25	Libby	Jim Pierce Realty	293-8348
26	Ennis	PNI Real Estate	682-4290
27	Superior	Faller Realty	822-4722
28	Missoula	Re/Max Realty	549-8855
29	Missoula	Properties 2000	728-8850
30	Roundup	Prudential Roundup Realty	323-3211
31	Livingston	Maverick Realty	222-0304
32	Malta	Northwest Realty	654-2881
33	Conrad	Joy J. Jacobson Realtor	278-7586
34	Miles City	Hardesty Realty	232-2600
35	Deer Lodge	Lloyd's of Deer Lodge Real Est.	846-1411
36	Hamilton	Rocky Mountain Realty	363-3717
37	Hamilton	Lone Pine Realty	363-1007
38	Hamilton	Montana Gold Realty	363-5275
39	Sidney	Nick Jones Real Estate	482-4445
40	Sidney	Beagle Properties	482-4480
41	Wolf Point	Dyck's Real Estate	653-1128
42	Plentywood	Michel's Insurance	765-2300
43	Butte	Markovich Real Estate	494-3901
44	Columbus	Parks Real Estate	322-4115
45	Big Timber	ML Properties	932-5805
46	Chouteau	Westmont Agency	466-5772
47	Shelby	High Plains Realty	434-5230
48	Glasgow	RZ Realty	228-8352
49	Billings	Landmark Realtors	248-3101
50	Red Lodge	H-Bar-S Realty	446-3535

REAL ESTATE DEVELOPERS

#	City	Firm	Contact #
1	Belgrade	McKenna Realty & Insurance	587-0792
2	Bigfork	GSI Inc.	837-0711
3	Billings	ABC Development Co.	248-8023
4	Billings	Tom Llewellyn	655-9455
5	Bozeman	Montana Homes & Land	586-7700
6	Bozeman	TMH Enterprises	587-2369
7	Great Falls	Mitchell Developments	761-4400
8	Great Falls	Northwest Real Estate	453-5565
9	Great Falls	Tom Skovron Builders, Inc.	727-6837
10	Helena	Helena Real Estate Inc.	449-2266
11	Billings	Housing Development Association	245-9998
12	Bozeman	The Dabney Company	585-9808
13	Billings	CLDI	256-3002
14	LaCrosse, WI	Gerrard Corporation	(608) 782-4488

IN-NEED SERVICE PROVIDERS

#	City	Client Group	Provider	Contact #
1	Bozeman	Low-income	Montana Peoples Action	728-5297
2	Butte	Disabled	MT Assoc. for the Blind	723-3383
3	Helena	Elder	Montana Senior Citizens	443-5341
4	Butte	Mental Illness	Silver House	723-4033
5	Hamilton	Domestic Abuse	SAFE	363-2793
6	Hamilton	Hospice	Marcus Daly Hospice	363-6503
7	Sidney	Elder Srvc	Meals on Wheels	482-3701
8	Roundup	Elder Srvc	Area 2 on Aging	323-1320
9	Butte	Transition	Women's Transitional Center	782-2316
10	Havre	Homeless	Feed My Sheep Community	265-1629
11	Helena	Homeless	Friendship House	442-6800
12		Transitional	Summit Independent Living Center	257-0048
13	Stevensville	Transitional	Genesis House	777-3751
14	Billings	Migrant	Montana Migrant Council	248-3149
15	Billings	Youth at Risk	Tumbleweed Runaway Program	259-2558
16	Terry	Women	DCPC WCDV (Neva Rathbun)	635-5719
17	Sidney	Women	Richland Cty Coalition (Helen Schmidt)	482-7421

FAIR HOUSING AND LOW-INCOME PROVIDERS

#	City	Organization	Individual	Contact #
1	Billings	Montana Legal Services	Maria Beltran	248-7113
2	Billings	Community Housing Resource Board	Russ Brown	245-7256
3	Butte	AFL-CIO Emplmt & Trng	Marilyn Maney	723-4097
4	Billings	Montana Fair Housing	Sue Fifield	800-929-2611
5	Lame Deer	No. Cheyenne Housing Auth.	Michael Burns	477-6419
6	Missoula	Montana People's Action	Carson Stregie-Flora	549-8696
7	Billings	LIFTT (Living Independently for Today and Tomorrow)	Pat Amille	259-5181
8	Billings	Montana Migrant Council	Claudia Stephens	887-2921
9	Helena	Montana Human Rights Bureau	Kathy Helland	444-4344
10	Helena	Montana Newspaper Assoc.	James Fall	443-2850
11	Great Falls	Montana Housing Providers	Ronda Carpenter	727-5659
12	Helena	Disability Serv. Div./Dev. Dis. Prog.	Sue Jackson	444-3878
13	Helena	Dev. Dis. Planning & Adv. Council	Deborah Swingley	444-1337

NON-PROFIT AND AGENCY PROVIDERS

#	City	Organization	Entity Name	Contact #
1	Glasgow	Gr Home/NP	Milk River Group Home	228-8412
2	Missoula	CHDO	Missoula HRDC	728-3710
3	Libby	NP/FP Ptrp	Green Meadow Apartments	293-5651
4	Columbia Falls	NP/FP Ptrp	Columbia Villa Apartments	892-4552
5	Deer Lodge	NP/FP Ptrp	LaVatta Villa Apartments	846-2803
6	Glendive	CHDO	Action for Eastern MT (HRDC 1,2,3)	377-3564
7	Butte	CHDO	Habitat for Humanity/National Affordable Housing Network	782-8145
8	Havre	CHDO	HRDC Dist. IV	265-6743
9	Lewistown	CHDO	HRDC Dist. VI	538-7488
10	Ronan	CHDO	Lake Cnty Community Housing	676-5901
11	Plains	CHDO	Little Bitterroot Serv.	826-3689
12	Great Falls	CHDO	Neighborhood Housing Service, Inc.	761-5861
13	Kalispell	CHDO	NW MT Human Resources	758-5437
14	Hamilton	CHDO	Ravalli Services Corporation	363-5400
15	Helena	Reg.	Board of Realty Regulation	444-1699
16	Helena	CHDO	Rocky Mtn. Dev. Corp. (HRDC 8)	442-6523
17	Bozeman	CHDO	HRDC Dist. IX	587-4486
18	Great Falls	CHDO	Opportunities, Inc.	761-0310

STATE AND LOCAL GOVERNMENT AGENTS/OFFICIALS

#	City/County	Position Title/Role	Name	Contact #
1	Wolf Point	Comm. Dev. Dir.	Linda Twitchell	653-1852
2	Kalispell	Comm. Dev. Dir.	Susan Moyer	758-7743
3	Helena	MDOC Plan Reviewer	Bernie Fisher	444-4237
4	Hamilton	City-Cty Planner	Don Contraman	363-2101
5	Bozeman	City-Cty Plan Dir.	Andy Epple	582-2300
6	Helena	City-Cty Plan Dir.	Kathy Macefield	447-8000
7	Troy	Bldg. Inspector	John Roseland	295-4151
8	Townsend	Bldg. Inspector	Monte Armstrong	266-3911
9	Belt	Bldg. Inspector	Marlin Johnson	277-3621
10	Hardin	Bldg. Inspector	John Kehler	655-2113
11	Anaconda-Deer Lodge	Bldg. Inspector	Milo Manning	563-4000
12	Chinook	Bldg. Inspector	Paul Butler	357-3160
13	Deer Lodge	Bldg. Inspector	Harold Loomis	846-3649
14	Fort Benton	Bldg. Inspector	Ray Erbe	622-5494
15	Three Forks	Bldg. Inspector	William Gurley	285-3431
16	Stevenville	Bldg. Inspector	Phillip Bratton	777-5271
17	Sidney	Bldg. Inspector	Alton Hillesland	482-2809
18	Libby	Bldg. Inspector	John Norberg	293-2731
19	Red Lodge	Bldg. Inspector	Tim Swansborough	446-1606
20	St Ignatius	Bldg. Inspector	Archie Olsen	745-3791
21	Laurel	Bldg. Inspector	Larry McCann	628-8791
22	Shelby	Bldg. Inspector	Evan King	434-5222
23	Polson	Bldg. Inspector	Ed Holland	883-8200
24	Malta	Bldg. Inspector	John Demarais	654-1251
25	Plains	Bldg. Inspector	George Ness	826-4311
26	Roundup	Bldg. Inspector	Monte Sealey	323-2804
27	Helena	Bldg. Inspector	Brandt Solo	447-8000
28	Kalispell	Bldg. Inspector	Craig Kerzman	758-7700
29	Hamilton	Bldg. Inspector	Dale Fowler	363-2101
30	Gallatin County	Public Admin.	Lorraine Van Ausdol	582-2165
31	Flathead County	Public Admin.	Patty Arnold	758-5680
32	Lewis & Clark County	Public Admin.	M.E. "Mickey" Nelson	442-7398
33	Ravalli County	Public Admin.	Doyle Honea	273-4632

APPENDIX D

TELEPHONE INTERVIEW INSTRUMENTS AND LISTING OF QUESTION RESPONSES

HOUSING TELEPHONE INTERVIEW

Opening Statements

Dial the person or agency on the respondent list and begin the interview:

My name is _____, and I am with Western Economic Services, a research company that the Montana Department of Commerce has hired to conduct a housing study throughout the State of Montana.

We value and need your opinion, particularly regarding your background in the provision of housing and housing-related services. I would like to ask you a few questions about housing in your general area.

This survey is informal and confidential. Your responses will be mixed in with everyone else's so you will not be identified by name or agency. Please feel free to speak "off the record" about your knowledge and experience with housing issues.

OK

INTERVIEWEE _____ TELEPHONE NUMBER _____
 INTERVIEWEE CODE _____ DATE OF INTERVIEW _____

TELEPHONE HOUSING INTERVIEW

Individuals involved in Property Management or Rental Properties:

1. What is the current vacancy rate for rental housing in your area?
2. On average, how long does a single-family rental property stay on the market before it is rented?
How about an apartment rental unit?
3. What is the average monthly rental rate of a typical:
 - Single-family home rental?
 - Manufactured dwelling rental?
 - One-bedroom apartment?
 - Two-bedroom apartment?
 - Three-bedroom apartment?
 - Four-bedroom apartment?
4. Is there enough rental housing in your community to meet the needs of those looking for an affordable place to rent?
5. How would you rate the need for additional rental housing by the following types:

Rental type	High need	Moderate need	Slight Need	No Need
Single-family rental				
Duplex rental				
Manufactured dwelling				
Apartment rental				
Subsidized rental				

Size of rental	High need	Moderate need	Slight Need	No Need
One-bedroom unit				
Two-bedroom unit				
Three-bedroom unit				
Four-bedroom unit				

Now, I would like to ask you for your opinion on a few issues:

6. What factors, if any, affect either the availability or affordability of rental housing?
(If they have no response: PROBE for zoning ordinances or restrictions, building codes, public housing programs. . . .)
7. Please characterize the rental housing in your community?
(If no response: PROBE for. . . condition and accessibility, old or new, good or bad. . . how much good or bad, new or old.)
8. As someone close to the rental market, how do you feel about the fair housing laws?
- PROBE: Are they difficult to understand or follow?
- Do they serve a useful purpose?
- In Montana, who do you think are protected under these laws?
- Do you think that people encounter any problems with fair housing in Montana?
How about just in your area?
9. Do you have any concerns or suggestions about the supply of rental housing?
(If no response, PROBE: suitability, accessibility, or fair housing issues.)

THANK YOU VERY MUCH FOR YOUR TIME AND INTEREST !!

INTERVIEWEE _____ TELEPHONE NUMBER _____
 INTERVIEWEE CODE _____ DATE OF INTERVIEW _____

TELEPHONE HOUSING INTERVIEW
Individuals Involved with Housing Sales

1. How would you describe the current number of listings for sale of owner-occupied housing in your area?

Much too low	Less than needed	About right	More than needed	Much more than needed
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2. On average, how long does a single-family home stay on the market before it sells? (How many days?)

3. What is your estimate of the range of housing prices in your area in which 90 percent of all existing home sales fall?

4. What is your estimate of the range of housing prices in your area in which 90 percent of all newly constructed home sales fall?

5. What is your estimate of the median single-family home price sale in the county?

6. How would you rate the need for additional housing in the county?

Housing type	High Need	Moderate Need	Slight Need	No Need
Single-family				
Duplex				
Manufactured homes				
Multi-family				

Housing cost	High need	Moderate need	Slight Need	No Need
Under \$100,000				
\$100<120,000				
\$120<\$140,000				
\$140<160,000				
\$160<200,000				
\$200,000+plus				

Now, I would like to ask you for your opinion on a few issues:

7. What factors, if any, affect either the availability or affordability of owner-occupied housing to buy?

(If they have no response: PROBE for zoning ordinances or restrictions, building codes, public housing programs)

8. Please characterize the for-sale housing in your community.

(If no response: PROBE for . . . condition and accessibility, old or new, good or bad. . . how much good or bad, new or old)

9. As someone close to the housing sales market, how do you feel about the fair housing laws?

PROBE: Are they difficult to understand or follow?

Do they serve a useful purpose?

In Montana, who do you think are protected under these laws?

Do you think that people encounter any problems with fair housing in Montana?

How about just in your area?

10. Do you have any concerns or suggestions about the supply of for-sale housing?

(If no response, PROBE: suitability, accessibility, or fair housing issues.)

THANK YOU VERY MUCH FOR YOUR TIME AND INTEREST !!

INTERVIEWEE _____ TELEPHONE NO. _____
 INTERVIEWEE CODE _____ DATE OF INTERVIEW _____

TELEPHONE HOUSING INTERVIEW

Individuals Who Are In-Need Service Providers, Fair Housing or Low-income Representatives:

1. Please describe your clients. What are their housing needs? What are their related needs?

2. How would you rate the need for additional housing for your clients, by each of the following types?

Housing type	High need	Moderate need	Slight Need	No Need
Emergency Shelter				
Transitional Housing				
Residential Care (i.e., hospice, group home)				
Permanent Housing				
Rental				
Owner-occupied				

3. How would you rate the need for additional housing for your clients, by each of the following sizes?

Housing type	High need	Moderate need	Slight Need	No Need
Efficiency unit				
One-bedroom unit				
Two-bedroom unit				
Three-bedroom unit				
Four or + bedroom unit				

4. For those that are interested in renting, what is the average monthly rental rate of a typical:

Single-family home rental?	Manufactured dwelling rental?
One-bedroom apartment?	Two-bedroom apartment?
Three-bedroom apartment?	Four- or more bedroom apartment?

5. For those that are interested in buying, what is the average price of a typical for-sale home?

Single-family home?

Manufactured dwelling?

Additional Questions (open-ended):

6. What factors, if any, adversely affect either the availability or affordability of rental housing?
(i.e. zoning ordinances or restrictions, building codes, public housing programs)

7. Do you feel the city, county, or state may have public policies or have exhibited actions that adversely affect the furtherance of fair housing?

8. Re: the city and county community development and housing programs: how would you characterize the effectiveness of these programs in affirmatively furthering fair housing, given the level of resources they have?

9. Is there sufficient outreach and education re: AFFH?

Is more FH testing needed?

Are there FH non-compliance instances with Public Housing Authority facilities?

What are the key issues and goals in a Fair Housing Plan? (Rank?)

(If time remaining)

10. How long have you been involved in housing issues? How did you first get involved?

THANK YOU VERY MUCH FOR YOUR TIME AND INTEREST !!

INTERVIEWEE _____ TELEPHONE NO. _____
 INTERVIEWEE CODE _____ DATE OF INTERVIEW _____

TELEPHONE HOUSING INTERVIEW
Individuals Who Are Nonprofit and Agency Providers:

1. Please describe your clients. What are their housing needs? What are their related needs?
2. How would you rate the need for additional housing for your clients, by each of the following types?

Housing type	High need	Moderate need	Slight Need	No Need
Emergency Shelter				
Transitional Housing				
Residential Care (i.e., hospice, group home)				
Permanent Housing				
Rental				
Owner-occupied				

3. How would you rate the need for additional housing for your clients, by each of the following sizes?

Housing type	High need	Moderate need	Slight Need	No Need
Efficiency unit				
One-bedroom unit				
Two-bedroom unit				
Three-bedroom unit				
Four- or + bedroom unit				

4. For those that are interested in renting, what is the average monthly rental rate of a typical:

Single-family home rental?	Manufactured dwelling rental?
One-bedroom apartment?	Two-bedroom apartment?
Three-bedroom apartment?	Four- or more bedroom apartment?

5. For those that are interested in buying, what is the average price of a typical for-sale home?

Single-family home?	Manufactured dwelling?
---------------------	------------------------

Additional Questions (open-ended):

6. What factors, if any, adversely affect either the availability or affordability of rental housing?
(i.e. zoning ordinances or restrictions, building codes, public housing programs)

7. Do you feel the city or county may have public policies or have exhibited actions that adversely affect the furtherance of fair housing?

8. Re the city and county community development and housing programs: how would you characterize the effectiveness of these programs in affirmatively furthering fair housing, given the level of resources they have?

9. Is there sufficient outreach and education re: AFFH?

Is more FH testing needed?

Are there FH non-compliance instances with Public Housing Authority facilities?

What are the key issues and goals in a Fair Housing Plan? (Rank?)

(If time remaining)

10. How long have you been involved in housing issues? How did you first get involved?

THANK YOU VERY MUCH FOR YOUR TIME AND INTEREST !!

INTERVIEWEE _____ TELEPHONE NO. _____
 INTERVIEWEE CODE _____ DATE OF INTERVIEW _____

TELEPHONE HOUSING INTERVIEW
 State and Local Government Officials

LOCATION OF INTERVIEWEE:

1. How would you rate the need for additional housing in your area by the following types?

TYPE	High Need	Moderate Need	Slight Need	No Need	Slight Excess	Glut
Single-family						
Duplex						
Manufactured						
Apartment						
Subsidized						

Comments:

2. How would you rate the need for additional housing in your area by the following sizes?

TYPE	High Need	Moderate Need	Slight Need	No Need	Slight Excess	Glut
Efficiency (studio) unit						
One-bedroom unit						
Two-bedroom unit						
Three-bedroom unit						
Four/+ bedroom unit						

Comments:

3. In your area, which is needed more—

Rental Housing _____ **Owner-occupied Housing** _____ **Both** _____

Why?

4. What factors, if any, are affecting either the availability or affordability of housing?

5. Could you describe the condition, age, and accessibility of the housing stock for rent and for purchase in your community?
6. In your opinion, what is the housing stock like in the rest of the state?
DK_____
7. Is there an area (or areas) of the state--that you know of--that has especially poor or substandard housing?

Locations (town, county or geographic region)

Possible Reasons or Causes

8. As someone involved with housing issues, do you think that housing is equally accessible to all Montanans?

Why/why not?
9. Do you think people encounter problems with fair housing in Montana?

If so, which group(s)?
10. Have you heard of, or do you know of specific instances involving unfairness? (Could you describe them for me?)
11. Do any special in-need populations have a greater than usual unmet need for housing in your area?

If so, what populations are they? Why?

In other places in Montana?

What are their housing needs?
12. Do you know of any codes or regulations that may represent barriers to affordable housing?
(Looking for building codes, zoning, ordinances, etc.)
12. In your opinion, are there any (other) obstacles or barriers to developing affordable housing?
(Looking for anything else: actions by public or private individuals or groups, lack of logic in designing accessible buildings, covert discrimination or neutral actions that result disparate treatment)
14. Do you have any other concerns about housing issues, or suggestions about the supply of housing that you would like to add?

THANK YOU VERY MUCH FOR YOUR TIME AND INTEREST !!

INTERVIEWEE _____ TELEPHONE NUMBER _____
 INTERVIEWEE CODE _____ DATE OF INTERVIEW _____

TELEPHONE HOUSING INTERVIEW
Individuals Involved in Residential Construction &/or Development

1. How many residential units have you added over the last year?
 What proportion were SF? _____ What proportion were MF? _____
2. On average, how long do these units stay on the market before being occupied?
3. For rental property, what is your area's average monthly rate, excluding utilities and public assistance for:

Single-family rentals	Two-bedroom apartment
Manufactured dwelling	Three-bedroom apartment
One-bedroom apartment	Four-bedroom apartment
- 3a. For owner-occupied homes, what is the area's average price, including the lot, of a typical:

Two-bedroom single-family home	Two-bedroom manufactured home
Three-bedroom single-family home	Three-bedroom manufactured home
4. Is there enough rental housing in your community to meet the needs of those looking for an affordable place

To rent?	To Buy?
Why or why not?	Why or why not?
5. How would you rate the need for additional housing by the following types:

TYPE	High Need	Mod. need	No Need	Slight Excess	Glut
Single-family					
Duplex					
Mfg Home					
Apartment					
Subsidized					

ASK WHY IF PARTICULAR CATEGORY STANDS OUT

6. How would you rate the need for additional housing by the following sizes:

TYPE	High Need	Mod. Need	No Need	Slight excess	Glut
1-bedroom					
2-bedroom					
3-bedroom					
4-bedroom					

ASK WHY IF PARTICULAR CATEGORY STANDS OUT

7. Which is in greater need?

Rental Housing

Owner-occupied housing?

WHY?

NOW I WOULD LIKE TO ASK YOU YOUR OPINION ON A FEW ISSUES

8. What factors, if any, affect either the availability or affordability of rental housing?

(If they have no response, PROBE: zoning ordinances or restrictions, building codes, public housing, etc.)

9. Please characterize the housing in your community?

(If they have no response, PROBE: condition, accessibility, old or new, good or bad, how much good or bad, new or old.)

10. As someone close to the housing market, how do you feel about the fair housing laws?

Do they serve a useful purpose?

Are they difficult for you or the people you work with in the community to understand or follow?

In Montana, who do you think are protected by these laws?

Do you think that people encounter any problems with fair housing in Montana?

In your particular area?

11. Do you have special in-need populations that you serve with your housing?

What are their housing needs?

Do they have related housing service needs?

12. Do you have any other concerns or suggestions about the supply of housing?

(If no response, PROBE: suitability, accessibility, or fair housing issues)

THANK YOU VERY MUCH FOR YOUR TIME AND INTEREST !!

PROPERTY MANAGERS AND RENTAL PROPERTY INVOLVEMENT SURVEY SUMMARY

Overview

Fifty professional property managers from 33 cities and towns throughout Montana were surveyed during the period from July 16 - 22, 1999, regarding fair housing. WES attempted to reach property managers in additional towns, but, due to disconnected phone numbers or answering machines was unable to complete a live interview in those locations. To obtain the fifty responses, over 140 calls were made.

Numbers do not always add up to the number of respondents because not every question was answered by every respondent, and in some cases respondents gave more than one answer to a particular question when to do so more accurately reflected their situation.

Survey Questions

1. How many units do you manage?

0 -10	(8)
10 - 25	(12)
25 - 50	(8)
50 - 75	(6)
75 - 100	(1)
100 - 150	(5)
150 - 200	(1)
200 +	(10)

How many are single-family?

0-10	(16)
10 - 25	(10)
25 - 50	(8)
50 - 75	(2)
75 - 100	(2)
100 - 150	(3)
150 - 200	(2)
200 +	(3)

How many are apartments?

0- 10	(10)
10 - 25	(10)
25 - 50	(10)
50 - 75	(3)
75 - 100	(1)
100 - 150	(2)
150 - 200	(1)
200 +	(4)

What is the vacancy rate for SF? for apts?

Waiting List	(4)
0 - 5%	(27)
5 - 10%	(7)
10 - 25%	(4)
+ 25%	(3)
Seasonal	(10)

What is the vacancy rate

Waiting List	(6)
0- 5%	(21)
5 - 10%	(8)
10 - 25%	(7)
+ 25%	(5)
Seasonal	(7)

Waiting List to get into our public housing units is between six to eight years.

What is the county vacancy rate--

For single-family?

Waiting List (2)
0- 5% (10)
5 - 10% (6)
10 - 25% (4)
+ 25% (2)
Seasonal (7)

For apartments?

Waiting List (1)
0 - 5% (6)
5 - 10% (5)
10 - 25% (5)
+ 25% (6)
Seasonal (6)

2. On average, how long (many days) does your single-family rental property stay on the market before it is rented?

0 - 30 days (31)
30 - 60 days (4)
60 - 90 days (1)
3 - 6 months (1)
Seasonal (8)

Your apartment units?

0 - 30 days (20)
30 - 60 days (8)
60 - 90 days (6)
3 - 6 months (1)
6 - 9 months
Seasonal (7)

How long do SF and apartments stay on the market elsewhere in the county?

0 - 30 days (12)
30 - 60 days (1)
60 - 90 days (1)
3 - 6 months (1)
6 - 9 months
Seasonal (7)

3. What is your average monthly rental rate, excluding utilities and public assistance, of a typical:

Single-family home rental:

0-\$300/mo. (5)
\$3-400/mo (13)
\$4-500/mo (15)
\$5-600/mo (14)
\$6-700/mo (11)
\$7-800/mo (9)
\$8-900/mo (5)
\$9-1000/mo (5)
\$1000+/mo (7)

Manufactured dwelling rental:

0-\$300/mo (4)
\$3-400/mo (6)
\$4-500/mo (4)
\$5-600/mo (1)
\$6-700/mo (2)
\$7-800/mo (1)
\$8-900/mo (1)
\$9-1000/mo (1)
\$1000+/mo (1)

\$2000+/mo (1)

One-bedroom apartment:

0-\$300/mo. (13)
\$3-400/mo (11)
\$4-500/mo (2)
\$5-600/mo (1)
\$6-700/mo (1)
\$7-800/mo

Two-bedroom apartment:

0-\$300/mo (6)
\$3-400/mo (11)
\$4-500/mo (8)
\$5-600/mo (6)
\$6-700/mo (1)
\$7-800/mo (1)

Three-bedroom apartment:

0-\$300/mo. (2)*
\$3-400/mo (2)
\$4-500/mo (2)
\$5-600/mo (6)
\$6-700/mo (2)
\$7-800/mo (4)
\$8-900/mo (1)

Four+ bedroom apartment:

0-\$300/mo (2)*
\$3-400/mo
\$4-500/mo (1)
\$5-600/mo
\$6-700/mo
\$7-800/mo
\$8-900/mo (2)

*Public Housing Authority units

3a. What is the county's average monthly rental rate, excluding utilities and public assistance, of a typical:

Single-family home rental:

0-\$300/mo. (2)
\$3-400/mo (5)
\$4-500/mo (4)
\$5-600/mo (5)
\$6-700/mo (8)
\$7-800/mo (3)
\$8-900/mo (3)
\$9-1000/mo (3)
\$1000+/mo (3)
\$2000+/mo (1)

Manufactured dwelling rental:

0-\$300/mo (1)
\$3-400/mo
\$4-500/mo (1)
\$5-600/mo
\$6-700/mo
\$7-800/mo
\$8-900/mo
\$9-1000/mo

One-bedroom apartment:

0-\$300/mo. (7)
\$3-400/mo (4)
\$4-500/mo (2)
\$5-600/mo

Two-bedroom apartment:

0-\$300/mo (2)
\$3-400/mo (6)
\$4-500/mo (5)
\$5-600/mo (1)

Three-bedroom apartment:

\$0-300/mo.

Four+ bedroom apartment:

\$0-300/mo

\$3-400/mo	(1)	\$3-400/mo	
\$4-500/mo	(4)	\$4-500/mo	(1)
\$5-600/mo	(3)	\$5-600/mo	(1)
\$6-700/mo	(1)	\$6-700/mo	(2)
\$7-800/mo	(1)	\$7-800/mo	
\$8-900/mo	(1)	\$8-900/mo	

4. In your opinion, is there enough rental housing in your community to meet the needs of people looking for an affordable place to rent?

No (29)

Yes (21)

Comments:

- A lot of poor-quality rentals due to landowners not maintaining properties (2)
- In this resort community, locals who work the service jobs can't afford to live here (2)
- Not enough housing available (4)
- No one is building here (4)
- A lot of new construction (2)
- Butte was a victim of socialism--it got a lot of government subsidies to build, and now there is a glut (1)
- Cost of land and building costs raises rent beyond what local wages can support (1)
- Housing is affordable if people live with roommates (2)
- Housing is more affordable if both people in a couple are employed (2)
- Most of the rental SF homes in this area are for sale; most people don't want to rent a home where they will have to move as soon as it sells (1)
- Need government programs to help people pay rent--landlords have to charge higher rent to cover maintenance and repair costs (1)
- Overbuilt on 1-2 bedroom units in our area (3)

5. How would you rate the need for additional rental housing by type?

	TYPE:High Need	Med Need	No Need	Slight Excess	Glut
Single-Fam.	34	11	5	1	
Duplex	12	20	13		1
Manfctrd	7	18	12		1
Apartment	11	22	14	1	3
Subsidized	19	12	11	2	1

- People can't afford what is available (1)
- Service employees need affordable housing in resort area (2)
- While housing vouchers are available, there are no places to use them (1)
- Seniors are going into assisted living centers and renting their homes (1)

Need more subsidized housing for families (7)
 Older homes don't qualify because they are not upgraded (1)
 No place to locate manufactured housing due to covenant restrictions (2)
 Need land not zoned against duplexes in town for seniors to be close to services (1)

6. How would you rate the need for additional rental housing by size?

TYPE:	High Need	Med Need	No Need	Slight Excess	Glut
1-bdrm	12	16	19		2
2-bdrm	10	30	7		1
3-bdrm	37	6	4		1
4-bdrm	23	16	7		1

Families with children need units with more bedrooms (18)
 Shortage of three-bedroom units in this area (7)
 Seniors are flooding the market with their homes (1)
 Waiting lists to get into 3- & 4-bedroom apartments (1)
 Try to fit larger lower income families into three-bedrooms because they can't afford four or more bedrooms (1)
 Elderly need one-bedroom apartments in town (5)
 Need more student housing (1)

7. How would you rate the need for additional rental housing by the cost?

TYPE:	High Need	Med Need	No Need	Slight Excess	Glut
<\$300/mo.	35	6	6		
\$3-400/mo.	32	12	4		
\$4-500/mo.	14	23	9		
\$5-600/mo.	7	17	24		
\$6-750/mo.	2	14	31		
\$750+/mo.	1	7	38	1	

There are many high rent properties here, but most can't afford them (3)
 Many student renters in this area, who cannot afford higher priced housing (1)
 Welfare reform is just switching programs with people; the situations aren't changing (1)
 Housing built for low-income seniors is being rented to single moms (1)
 A lot of landlords are unwilling to renovate because they can't get the higher rent (1)

8. What factors, if any, affect either the availability or affordability of rental housing?

- Lack of well-paying jobs/minimum wages (30)
- Economy (5)
- Tourism economy (4)
- Supply and demand (2)
- High cost of real estate development (4)
- High unemployment (1)
- Gambling (1)
- Transition from agriculture/mining/logging to service industry jobs (4)
- Government regulations (subdivision covenants, sanitary req., flood plain rules) (1)
- Zoning ordinances restricting manufactured and modular (2)
- Outsiders driving /have driven up prices (6)
- Aging population/more elderly, retired (5)
- Youth leaving community for better paying jobs elsewhere (1)
- City won't allow new industries (2)
- Location--very cold winters eliminate possibility of using lower cost manufactured-type housing (1)
- A lot of people don't want to live near or on the reservation nearby (1)
- High cost to repair apartments (1)
- New businesses bringing in about 200 more families who need housing (3)
- People want garages (1)
- Gas heat is expensive (1)
- People want to live in this community (1)
- Subsidized housing has thrown off community economic balance (1)

9. How would you characterize the rental housing in your community?

- Above average (6)
- Good condition (8)
- Fair (5)
- Mostly newer (1)
- Not new, not old (3)
- Mix of new and old (21)
- Mix of run-down to well-cared-for (15)
- Old (13)
- Old but renovated (2)
- Run-down/shabby (10)
- Not good (1)

10. As someone who is close to the housing sales market, how do you feel about the fair housing laws?

- Fine/Great (26)
- Right on (1)
- Adequate/Fair (3)
- No problem (3)

Important (4)
Could be better (1)
Not very good (2)
They are fine for tenants (1)
Too loosely enforced–non-professional managers don’t comply (1)
Some I am disgusted with (e.g., I can’t advertise a rental looking for a “handyman”) (1)
I don’t like to have to rent to children (I have units upstairs) (1)
“Brown-booted, Hitlerish, un-American” because spies masquerading as renters look for violations, then pressure landlords to settle for big bucks (1)
Not familiar with the fair housing laws (1)
Don’t like to judge people (1)
No Comment (1)

Are they difficult for you (or others you work with) to understand or follow?

Yes (1)
At times (3)
Sometimes overly restrictive (1)
I don’t pay attention to them (1)
Some I agree with, some I don’t; but I follow them anyway (1)
They have changed how we can advertise housing (1)
No/Not a problem (23)
Most renters are not aware of the laws (5)
Old people have a hard time understanding (2)
Some people misunderstand; think they can do whatever they want (3)
Most people who discriminate don’t know they are breaking the law (1)
Never comes up (2)
Occasionally run into an owner who wants to discriminate (2)

Do they serve a useful purpose?

Yes (28)
No (2)
For the most part (3)
They don’t always help the landlord (2)
Don’t know/Not sure (1)
Don’t need them/not an issue here (1)
Some people take advantage of them (1)

In Montana, in your understanding, who is protected under these laws?

National Origin/Different nationalities/Ethnic groups (6)
Elders/Seniors/Age (13)
Disabled/Handicapped (9)
Religion/Creed (14)
Color (4)
Family Status/Single moms, dads (20)

Marital Status/Singles (6)
Minorities/Race (26)
Sex/Gender (7)
Native Americans/"Indians" (9)
Blacks/"Negroes" (5)
Hispanics (3)
Children (5)
Sexual Preference/Gays (3)
Students (1)
Tenants (8)
Property Owners (2)
Low-income/poor people (4)
People with dogs/pets [not service animals] (2)
Everyone (5)
Don't know/Can't remember (4)
No Comment (2)
This question offends me (1)

Do you think people encounter any problems with fair housing in Montana?

Yes (19)
Probably (4)
Very few problems in Montana (1)
Haven't heard of/seen any (9)
Not sure (4)
No/Not a problem in Montana (11)
Heard about problem in Kalispell (subdivision advertised for "no children") (2)
Some Sec. 8 tenants with try to catch landlords in a fair housing violation so they can sue them (1)
Another housing authority didn't want children on the upper apartment floors, was taken to court and lost (1)
Some people think they should be able to rent to whomever they want (1)
Most complaints are dismissed (1)
I think some state agencies "check up" to look for violations (1)
Very few minorities in Montana (2)
Think some owners unintentionally discriminate (1)
No prejudice here (1)

In just your area of the state?

No/Not here (23)
Have heard/read about problems elsewhere in Montana (3)
No people with ethnic backgrounds here (1)
Have heard specific instances of people not understanding the law (2)
Some people (respondent?) wouldn't want to rent to "disgusting gay people" (1)
Maybe at University of Missoula (1)

Yes (2)

Individuals who rent houses are the biggest violators of FH laws (1)

If so, which people?

Families with children (3)

Single mothers with children (2)

Native Americans/"Indians" (3)

Disabled (1)

Young people (1)

11. Do you have any additional concerns or suggestions about the supply of for-sale housing?

Need more senior housing in areas where seniors are moving in.

Need some attention paid to substandard housing.

Definitely need additional housing, but the ones who would, don't have the financial backing, and those who do, won't do it.

The landlords with only 2-3 units or less are not as up on the fair housing laws as people who rent many units. The smaller landlords tend to violate the fair housing laws, particularly regarding children--they just don't want them and don't know they can't discriminate.

Would like legislators to talk to landlords and tenants before they make the laws in order to better consider the potential effects of the laws before they are enacted.

People could live in mobile/manufactured homes if it weren't for the covenants keeping this type of housing out.

Need government loans to build low-income housing in this area.

Raise wages!!

How far must a landlord go to be "reasonably accommodating" to a disabled tenant? These people can get free legal help while landlords have to spend several thousand dollars (and can't defend themselves in court without a lawyer), while the tenants refuse to settle.

Need more rent subsidies!

I hope we don't have to rent to people with pets.

We only discriminate against pets.

Need "pet-okay" properties (2)

There will always be a need for low-income housing. In the last five years the need is being met better than previous five years.

Still faced with the same problems as the last 60 years. Need to have priorities shifted to better meet the needs of Native American people in my area.

Hard for disabled people to find housing.

Need more property turned into rentals. People are not going to build just to rent it.

Need large low-income apartment complex for people who want to live alone (studios & one-bedroom units).

Impact fees are going into total price of homes, driving up costs and rental prices.

Need more certificates of eligibility to help families for 1-3 years.

People would be more inclined to rent in trailer parks if the parks looked nice.

Resent that my government sends out secret testers to try to catch me in violations. It is not right to tell tenants how to screw over a landlord (Montana Fair Housing Office). I have heard about “seniors only” testing by HRB. We should be able to have senior only housing if we want to.

Have heard some people say they were “scared to death” to rent to Indians. Have had owners ask me to discriminate against Indians.

Money spent on “spot checkers” could be better spent on other things. I have been spot-checked and it is irritating.

Fair Housing investigators go overboard. The “mom and pop” landlords are the ones who are most likely to discriminate. Sometimes investigators seek out lawsuits.

Most people work 2-3 jobs in this area (resort community) just to pay for housing. (2)

Community has overbuilt low-income and now a lot of owners are suffering.

Unavailability of land a big problem. Land is expensive. Need government subsidies to meet housing needs since private industry doesn't seem interested.

REAL ESTATE SALES: BROKERS AND AGENTS SURVEY SUMMARY

Overview

Fifty real estate brokers and agents from 40 counties were surveyed during the period from July 14 - 16, 1999, regarding fair housing.

Survey Questions

1. How would you describe your current number of listings for sale of owner-occupied housing in your area?

Shortage: 6

Less than needed: 8

About right: 13

More than needed: 19

Glut: 3

La. How would you describe your area's current number of listings for sale of owner-occupied housing in your area?

Shortage: 5

Less than needed: 9

About right: 9

More than needed: 18

Glut: 2

2. On average, how [many days] does a single-family home in your agency stay on the market before it sells?

30-45 days (6)

45-60 days (2)

60-100 days (12)

3-6 months (13)

3 months - 1 year

6-9 months (9)

6 months - 1 year (9)

8-10 months (2)
Over/one year (3)

How long do other homes in your area stay on the market?

30 days to 1 year
30-45 days
45-60 days (4)
60-90 days (7)
3-6 months (1 5)
6 months - 1 year (7)
Over one year (1)
Up to 2 years

3. What is your estimate of the range of housing prices in your area in which 90 percent of all existing home sales fall?

\$35-175,000
\$38-130,000
\$50-350,000
\$60-230,000
\$70,000
\$85-155, 000
\$135-145,000 in town, outside town \$97-236,000

3. (alternate)

What % of your new construct listings:

Are below \$100,000 2
Are between \$100 - 150,000 8
Are between \$150 - 200,000 6
Are over \$200,000 3

What % of area's new construct:

Are below \$100,000 6
Are between \$100 - 150,000 10
Are between \$150 - 200,000 4
Are over \$200,000 3
No spec building/new construction going on in our area (13)
A lot of new construction in our area (5)
Mostly/only custom building going on in our area (13)

4. What is your estimate of the range of housing prices in your area in which 90 percent of all newly-constructed home sales fall?

Only one spec home two years ago; mostly custom.
No new homes on spec in past five years.
There is no new construction.
\$38 - 160,000
\$90,000

\$110 - 155,000
 \$140 - 400,000

4. (alternate)

What % of your existing home listings: What % of area's existing homes:

Are below \$100,000	24	Are below \$100,000	25
Are between \$100 - 150,000	15	Are between \$100 - 150,000	16
Are between \$150 - 200,000	7	Are between \$150 - 200,000	10
Are over \$200,000	3	Are over \$200,000	4

Many of the higher-priced homes in our area include acreage (6)

5. What is your estimate of the median single-family home price for your listings?

\$40-60,000	(10)
\$60-80,000	(16)
\$80-99,000	(6)
\$100-125,000	(6)
\$125-150,000	(5)
\$150-250,000	(3)
\$250-300,000	
\$600-700,000	

What is your estimate of the median single-family home price in your area?

\$40-80,000	(20)
\$80-100,000	(4)
\$100-125,000	(7)
\$150-250,000	(6)
\$250-300,000	

6. How would you rate the need for additional housing in the county?

Housing Cost	High	Moderate	Slight	No Need	Oversupp	
Glut						
<\$100,000	34	5	1	3	3	
\$100-150,000	5		21	17	18	11
\$150-200,000	1		6	11	26	1
>-\$200,000	1		5	7	18	2
Type	High	Moderate	Slight	No need	Oversupp	Glut
Single-family	20	14	7	7	1	
Duplex	14	12	8	14	2	

Manufactured	13	13	5	7	2	
Multi-family	15	14	8	9	1	3

- Negative attitudes in my area towards manufactured and/or modular homes (4)
- Unable to place manufactured due to zoning restrictions (15)
- No available land for manufactured dwellings even if zoning laws were changed (3)
- Bringing in homes built in Canada that are Montana code-qualified to meet needs (2)

7. What factors, if any, affect either the availability or affordability of owneroccupied housing for purchase?

- Lack of well-paying jobs/minimum wages (24)
- Slump in real estate market
- Uncertain economy (7)
- Supply and demand
- Decrease in oil & gas industry
- High un/underemployment
- Transition from agriculture/mining to service industry jobs (8)
- Job stability--can't get financing until worked at job for at least 6 months - 1 year.
- Inability to get down payment and financing (10)
- Strictness of VA and FHA financing (3)
- State RECD loan cap doesn't buy anything in this area (4)
- High debt-to-income ratio in Montana
- Interest rates [not helping affordability] (7)
- Property taxes
- Building codes (2)
- Zoning ordinances restricting manufactured and modular (4)
- Land costs (3)
- Subdivisions cost a lot of money, which raises the price of finished homes.
- Outsiders driving up prices with their big equities (5)
- People in my area think "affordable housing" means government subsidies and they are against that.
- Aging population with changing housing needs.

8. How would you characterize the for-sale housing in your community?

- Above average (5)
- Good condition (17)
- Mixed fixer-uppers and renovated/good shape (3)
- Average/Fair (7)
- Clean
- A lot of new/newer (3)
- Not new, not old (4)
- Mix of new and old (12)
- Mix of junkers to perfect (3)

Old (11)
Old and not renovated (9)
Not good (2)

9. As someone who is close to the housing sales market, how do you feel about the fair housing laws?

Great (5)
Fine (10)
Definitely needed/sad that we have to have them (2)
Familiar with them
Adequate/Fair (3)
No problem (16)
I don't have any problem with them, but I don't want any heavy-handedness, either. "Liberal bent," so don't have a problem.
So few minorities in Montana that it isn't a problem.
They are good; I am for them (3)
They "overpressed" in this area (2)
We have very few totally black people, but we have a good mix of Native Americans.
An owner should be able to control the sale of his property.

Are they difficult for you (or others you work with) to understand or follow?

Sometimes they are hard to understand, all right
Govt. can't write anything that is clear.
All I know is I can't discriminate.
It seems as though we always find out about a law after it's been broken.
Some situations are cumbersome due to detail of the laws (2)
Sometimes overly restrictive
They have changed how we can advertise housing.
No/Not a problem (38)
Think people don't think we need these laws in Montana

Do they serve a useful purpose?

Yes (23)
They don't make any difference.
They might in another place.
You can't enact or enforce respect.
There are too many laws, which is counterproductive.
They can be abused.
Overprotective.
Don't know.
Don't need them/not an issue here (5)

In Montana, in your understanding, who is protected under these laws?

National Origin/Different nationalities/Ethnic groups (10)
Elders/Seniors/Age (16)
Handicapped (7)

Religion (12)
Color (7)
Family Status/Single moms, dads (11)
Minorities/Race (19)
Sex/Gender (8)
Native Americans/Indians (12)
Blacks/Negroes (11)
Hispanic (4)
Women/Females
Sexual Preference (2)
Buyers/Consumers
Students
Tenants
Political affiliation
Foreigners
Low-income/poor people (5)
Working poor/middle class
Everyone (8)
Everyone except whites
I have a file here on it, but I would have to dig it up.
"Protected classes"--but I can't name them.
We have few/don't have any minorities in Montana (4)
Prefer not to respond to this question
Don't know.

Do you think people encounter any problems with fair housing in Montana?

Yes (4)
Very few problems in Montana (4)
Haven't heard of/seen any (20)
No/Not a problem in Montana (4)
Maybe in other parts of the state (5)
Heard about problem in Kalispell (subdivision advertised for "no children") (8)
Heard about Billings case (discrimination against all Native American tribe members but members of one particular tribe)
Think government looks for violations/HUD sends around spies to see if they can catch me, but they will never catch me because I don't do it, and I don't know anyone who does (2)
No comment

In your area of the state?

No/Not here (19)
Almost zero in this area, in my experience.
Have heard about problems elsewhere in Montana (5)
Haven't heard of anything in this area (4)
Mostly white citizens except students, and they tend to leave the state after college (2)

Once in a while, I will hear a realtor say something that leads me to believe [the realtor] is "steering" people to certain areas.

Not many "colored people, Chinese people" in this town.

Think many times people think they are being discriminated against but in fact, it is because of their own personality defects/because they are poor (2)

No Jews or blacks here, so it isn't a problem.

This is a very white community, so it isn't a problem (2)

Don't see too many minorities here, except tourists who are different and people from the Air Force base.

Have had elderly clients worry that they won't get a loan due to their ages.

If so, which people?

Families (3)

Minorities/Blacks/Hispanics (2)

Native Americans/Indians (6)

Elderly (2)

Disabled

9. Do you have any additional concerns or suggestions about the supply of forsale housing?

Not enough rental units on market. Have some low-income subsidized housing that seems adequate, but middle-income people can't qualify. It is the middle-income people who need a place to live that is affordable until they can obtain financing.

To increase demand for housing, state should reduce business taxes so companies can raise the minimum wage paid to employees, which would attract both employers and employees to our town.

Need rental housing for larger families.

Need more buyers.

New tourism industry is causing great philosophical differences between traditional/conservative, native-Montanan elements and liberal, out-of-state views.

It would be nice for contractors to build entry-level housing, but land is expensive. Last FH study, they were going to build 30 low-income homes. That would be a glut--what we need are one or two.

“Two” great programs in Montana: cash assistance, rural development, and leverage loans.

Need more subsidized low-income loans. Used to 80%, now only 1%.

Not enough homes in lower prices.

Need govt. program to get affordable housing in Montana: 50th in nation in wages; average income is \$24,000.

Need apartments with three bedrooms, need middle-income apartments, apartments for people with children, people under 65. Have many vacancies in apartments, but they are restricted to elders, low-income or are two-bedroom or less. What we need, we have in short supply.

Local people are getting "pushed out." (2)

Some brokers don't want to work with people in the entry-level market. Those people [in the entry-level market] have no political influence.

The primary influx of resources to Montana is people with large equities.

There is a great county program that pays up to \$20,000 at 0% interest, but people who need it can't use it (on manufactured homes) because they have the lot cost, septic tank cost, etc., which doesn't leave much left to pay for the home.

Lenders are very restrictive, and most people have to go outside the county to obtain financing.

Glut of housing due to elders putting their homes on the market and moving into the cities to assisted-living centers.

Need more programs for low-income families.

A lot of houses are overpriced. Retirees who are selling their homes want the prices they could have gotten five years ago.

We have had no new development but have many willing buyers! We need developers to come forward to build in the \$65-80,000 range in our area.

Mine expansion is creating more jobs in community with little affordable housing.

New prison will create need for more housing for their families who want to live nearby.

The safety and security requirements of HUD add costs to the final home package that actually precludes many buyers from being able to afford to buy. It is a challenge in my profession to help meet lower-income people's home buying needs while still staying within loan guidelines.

REAL ESTATE DEVELOPERS SURVEY SUMMARY

Overview

Sixteen real estate developers from 8 Montana communities and two out-of-state developers were surveyed during the period of July 22, 29, and August 2 - 13, 1999, regarding fair housing.

Survey Questions

1. How many residential units have you added/built in the last year?

1 - 10	(4)	151 - 200	
11 - 20	(5)	201 - 300	
21 - 40	(2)	301 - 400	
40 - 75	(4)	401 - 500	
75 - 100		501 - 750	
101 - 150		751 - 1000	(1)
None	(1)*		

*this developer has built and currently manages 1000 units, mostly multi-family.

What proportion were SF?

1 - 10%	(1)
10 - 25%	
25 - 50%	
50 - 75%	
75 - 100%	(8)

What proportion were MF?

1 - 10%	
10 - 25%	(1)
25 - 50%	
50 - 75%	
75 - 100%	(8)

2. On average, how long do these units stay on the market before being occupied?

Waiting List	(2)
Pre-rented	(1)
Pre-sold	(4)
0-10 days	(2)
10-20 days	(1)
20-30 days	(2)
2-4 months	(1)
4-6 months	(1)
6-9 months	(1)
Still under construction	(1)
Owner/builder	(1)

3. For rental property, what is your area's average monthly rate, excl. utilities and pub. assist. for:

SF home rental?

Two-bdrm rental?

0-\$300/mo		0-\$300/mo	(1)
\$3-400/mo		\$3-400/mo	(2)
\$4-500/mo	(1)	\$4-500/mo	(2)
\$5-600/mo	(1)	\$5-600/mo	(3)
\$6-700/mo	(1)	\$6-700/mo	(1)
\$7-800/mo	(1)	\$7-800/mo	
\$8-900/mo	(1)	\$8-900/mo	
\$900-1000/mo	(1)	\$900-1000/mo	
\$1000+/mo	(1)	\$1000+/mo	

Manfctrd rental?

0-\$300/mo	
\$3-400/mo	
\$4-500/mo	
\$5-600/mo	
\$6-700/mo	
\$7-800/mo	
\$8-900/mo	
\$900-1000/mo	

Three-bdrm rental?

0-\$300/mo	
\$3-400/mo	
\$4-500/mo	(1)
\$5-600/mo	(2)
\$6-700/mo	(2)
\$7-800/mo	(2)
\$8-900/mo	(1)
\$900-1000/mo	(1)

One-bdrm rental?

0-\$300/mo	
\$3-400/mo	(3)
\$4-500/mo	(2)
\$5-600/mo	(1)
\$6-700/mo	
\$7-800/mo	
\$8-900/mo	
\$900-1000/mo	

Four-bdrm rental?

0-\$300/mo	
\$3-400/mo	
\$4-500/mo	
\$5-600/mo	
\$6-700/mo	
\$7-800/mo	(1)
\$8-900/mo	(1)
\$900-1000/mo	(1)

Don't Know: (7)

3a. For owner-occupied housing, what is the area's average price, incl. the lot, of a typical:

Two-bdrm SF home?

0-\$40,000	
\$40-50,000	
\$50-75,000	
\$75-90,000	(2)
\$90-125,000	(4)
\$125-140,000	
\$140-175,000	

Two-bdrm home?

0-\$40,000	
\$40-50,000	
\$50-75,000	
\$75-90,000	(2)
\$90-125,000	(2)
\$125-140,000	(1)
\$140-175,000	(1)

Manfctrd

Three-bdrm SF home?

0-\$40,000	
\$40-50,000	

Two-bdrm Manfctrd home?

0-\$40,000	
\$40-50,000	

\$50-75,000		\$50-75,000	
\$75-90,000		\$75-90,000	
\$90-125,000	(5)	\$90-125,000	(1)
\$125-140,000	(2)	\$125-140,000	
\$140-175,000		\$140-175,000	

Don't Know: (7)

4. In your opinion, is there enough rental housing in your community to meet the needs of people looking for an affordable place to rent?

No (10)
 Yes (4)
 Don't Know (1)

Comments:

- Costs to develop cannot be recovered in rentals (1)
- University students take all affordable housing during school terms (1)
- Not a lot of decent rentals in area (1)
- Overbuilt for need. With recent base closure, too much housing available (1)
- This area is very expensive (1)
- The less expensive homes are being purchased for owner-occupancy, not rental.
- There aren't any upscale homes to rent around here (1)
- Housing in our area is cyclical: right now there is an excess (1)
- Rental vacancy rate in our community is 5% (1)
- Rental vacancy rate in our community is 2% (1)
- Montana needs more affordable housing--while some areas have greater demand, all areas can use more affordable housing (1)
- Land and construction costs driving up rental rates (1)
- Greater need than what is available (2)

Is there enough housing for purchase in your community to meet the needs of people looking for an affordable place to buy?

No (8)
 Yes (3)
 Don't Know (5)

Comments:

- No spec building going on in this area due to high costs of land (1)
- Impact fees were increased last legislative session (effective 1/14/99) from \$2,000 to \$7,700, which is being passed on to homebuyers, particularly first time homebuyers. A lot of building permits were pulled after the new impact fees went into effect (1)
- Costs are very high. Not many old properties are improved (1)
- Montana median income \$23,000--most people can't afford to buy (2)
- Prices are very high here (1)
- Montana median incomes not keeping up with land and construction costs (1)

More need than what is available (1)

5. How would you rate the need for additional housing by type?

TYPE:	High Need	Med. Need	No Need	Slight Excess	Glut
SF	8	6	1		
Duplex		8	4	1	
Manfctrd	7	2	2		
Apts.	9	7	3		1
Subsidized	10	4			

Comments:

- Big interest in manufactured in this area, but no land on which to locate (1)
- Many restrictive covenants re manufactured and modular (1)
- The community has pushed subsidized housing, but this is not where I think the real need lies in my community (1)
- High need for housing only if it is affordable (1)
- Single-family harder to build than MF because of project investment costs (1)

6. How would you rate the need for additional housing by size?

TYPE:	High Need	Med. Need	No Need	Slight Excess	Glut
1-bdrm	4	5	7		
2-bdrm	8	6	1		
3-bdrm	9	6			
4-bdrm	3	10	2		

Comments:

- Not enough room in one-bedroom units; need family housing (1)
- Can't use RECD loans within cities, which limits our ability to get lower-income people into homes to purchase (1)
- Elders need one-bedroom units, but young families with 1-2 kids need 3 bedrooms (1)
- Great need for one-bedroom units for the elderly (2)
- Too many two-bedroom units in Montana, but need is for one- and three-bedrooms (1)

7. Which is in greater need?

Rental housing	Both	Owner-occ. housing?	Don't Know
3	5	6	2

Comments:

- Need homes for purchase at affordable prices (2)
- Affordable housing is getting beyond the reach of ordinary people, especially first time homebuyers (2)
- A lot of people can't qualify for any type of loan. If they can qualify, it is hard for them to find decent homes to purchase (1)
- Overbuilding multi-family units; not enough SF housing (1)
- Cost of infrastructure that is being passed on in housing costs are driving the prices "out of whack," for example, small subdivisions now having to bear the full cost of putting in transmission lines (1)
- No large apartment complexes in this community (1)
- Not enough rental housing in this area (2)
- With Montana's median income so low, fewer people can afford down payments (1)
- University is increasing enrollment, tightening rental market (1)
- Some people will never be able to afford to buy (1)
- Distinctly different profiles of renters and purchasers, but one thing they have in common is that there is not enough affordable housing either to rent or to buy (1)

8. What factors, if any, affect either the availability or affordability of owner-occupied housing for purchase?

- Lack of well-paying jobs/minimum wages (5)
- Infrastructure costs (2)
- Supply and demand--not enough supply (2)
- Impact fees on SF are 6% (3)
- No new rental housing on market (1)
- Seasonal economy (1)
- Short building season (1)
- Poor quality of rentals on market (1)
- High debt-to-income ratio in Montana (1)
- Zoning ordinances restricting manufactured and modular (1)
- People don't understand distinctions between modular housing and manufactured (1)
- Land costs (3)
- Construction costs (3)
- The amount government is willing to spend on housing tax credits (1)
- Outsiders driving up prices (1)
- Base closure has slowed growth (1)
- State Legislature takes up all the available housing when they meet biannually (1)
- Community standards determine what will be available and whether it will be affordable (if all substandard is eliminated, then is what is left affordable?) (1)
- People moving in--not enough housing (1)
- Student population drives up prices (Mom & Dad are paying rent) (1)
- Limited land to develop housing within the city limits (1)
- Impossible building climate in Bozeman (1)

9. How would you characterize the for-sale housing in your community?

- Good condition (1)
- Average (1)
- Mix of good condition and substandard housing (4)
- Dated (1)
- Mix of new and old (9)
- Old (2)
- Old and not renovated (5)
- Old mostly renovated (1)
- High-priced substandard housing (1)

10. As someone who is close to the housing sales market, how do you feel about the fair housing laws?

- Great (6)
- Fine (3)
- Very important (3)
- Not familiar with them (1)
- No problem (3)
- Should have had them a long time ago (1)

Are they difficult for you (or others you work with) to understand or follow?

- No/Not a problem (11)
- People tend to be aware of them (1)
- Very difficult to advertise (1)
- Tenants have the hardest problem understanding that while they have rights, there are responsibilities that go along with those rights (1)
- Some property owners think they should be able to do whatever they want with their property (i.e., rent to whomever they want) (1)
- Complicated, convoluted, not for the beginner (1)
- Need more monitoring of FH laws (1)

In Montana, in your understanding, who is protected under these laws?

- National Origin/Different nationalities/Ethnic groups (3)
- Elders/Seniors/Age (6)
- Handicapped/Disabled (7)
- Religion/Creed (4)
- Family Status/Single moms, dads (6)
- Marital Status/Single (3)
- Minorities/Race (8)
- Sex/Gender (4)
- Native Americans/Indians (3)
- Blacks/“Negroes” (1)

Retirees (1)
Tenants (3)
Landlords (1)
Developers (1)
Owners (1)
Everyone (3)

Do you think people encounter any problems with fair housing in Montana?

Yes (4)
Probably (1)
Not sure (3)
No (5)
Very few problems in Montana (1)
Haven't heard of/seen any (3)

In your area of the state?

No (4)
Don't know (3)
Haven't heard of anything in this area (3)
Yes (1)

Comments:

Have heard some stories about outrageous behavior of testers (1)
I think there is prejudice against low-income residents in some places (1)
Probably most discriminated against are Native Americans and developmentally disabled (1)
Native Americans and families with kids most discriminated against (1)
Professional property managers are pretty up on the FH laws; it's the one- or two-unit landlords (your "Mom and Pop" landlords) that cause the biggest problems.
Billings is really bad that way (1)

11. Do you serve any special-needs populations with your housing?

No/Build for general population (4)
Build handicapped accessible housing that can be used by disabled and elderly (1)
Build for lower-income, mostly younger population, but have sold some units to near-retirees who want SF home to own that is affordable (1)
Mobile elderly (not handicap accessible) (1)
Elderly (3)
Disabled (4)
Low-income (3)
Part-time upper-end residents (1)
Professional people who need short-stay, furnished housing for days, weeks, or up to one year (1)
Single heads of households (1)

What are their housing needs?

Elder/Handicap Accessibility: ramps, elevators, grab bars, low countertops, tub seats, wide doorways, roll-in showers, etc. (5)

Full handicap access according to requirements of the law, elevators to upper floors (1)

Furnished studios or one-bedrooms with sliding-scale rents based on length of stay.

What are their related service needs?

Care-givers

Meals

Transportation

Childcare

12. Do you have any additional concerns or suggestions about the supply of for-sale housing?

In California, they are building homes from “factory-built walls,” which are brought to the site and used for fast construction of homes. The homes are certified as “stick-built” but go up a lot faster and are a lot less expensive.

I’m trying to change people’s minds about modular homes. I work with a modular homebuilder to perform all regulatory improvements.

Great need in this area for handicap-accessible housing--we lose a lot of tenants because we are not handicap-accessible.

Social benefits to home ownership: impacts/improves the entire community.

Shortage of labor construction--fewer young people going into construction trade as a profession. Too much emphasis on college, not enough on trades training.

Lower end market is lacking in affordable housing for young families.

Impact fees are \$8-9,000/house, no matter what the price of the house or type (very unfair). Homes are not affordable as a result (passed on to consumer). Homes are expensive to develop and our town is not cooperating to assist with affordable housing. We need a program to assist developers.

My partner and I have quit building last two years due to high construction costs. We are now purchasing old, run-down buildings and rehabilitating them. Rehab is the only option available if a developer intends to rent out the units after construction because with new construction, to recover the costs, the rent would be too high to be affordable to most renters.

I encourage Montana Department of Commerce to allow the availability of HOME funding for accessibility of housing. MDOC is missing the mark. It should use the monies to construct affordable rental housing in areas where rental rates have

skyrocketed. By doing so, it would soften the rental market, causing rental rates to drop to an affordable level. We have seen this done effectively in other states and it could be done in Montana as well.

Tax credit program is overrated as a solution to low-income housing—it is really for middle-income folks, not the low end.

Our philosophy is to “build it right the first time.”

We think all developers should have to do full market studies before building (as we do), rather than just start digging.

Section 42 should be amended to remove preference for non-profit organizations over for-profits, so that all developers are on the same footing.

The proposed national legislation to increase tax credits should be passed: we need a larger cap in Montana because of its low population and low median income.

Huge need for affordable rentals.

The biggest discrimination right now in housing is against disabled people.

IN-NEED SERVICE PROVIDERS SURVEY SUMMARY

Overview

Seventeen in-need service providers from 12 Montana communities were surveyed during the period of July 30, and August 2 - 3, 1999, regarding fair housing.

Survey Questions

1. Who are your clients?

Blind	(1)	Former convicts	(1)
Mentally ill	(2)	Runaway, homeless, or at-risk youth	(1)
Elders	(1)	Migrant and seasonal agricultural workers	(1)
Elders living in cities	(1)	Disabled/handicapped	(1)
Elders in their own homes	(1)		
Victims of domestic violence	(4)	Low-income people	(1)
Hungry people	(1)		
Terminally ill	(1)		

What are their housing needs?

- Tactile Marking within house (1)
- Need housing without discrimination on the basis of their mental disease (1)
- Stay in own homes as long as possible (2)
- Senior facility when unable to care for self any longer (1)
- Handicap accessible (1)
- Need housing that is safe (2)
- Need housing that is very low cost (1)
- Housing near childcare and schools (1)
- Transitional housing immediately following incarceration (1)
- Temporary shelter from 72 hrs/2 weeks/several months (1)
- Temporary housing during growing season (1)
- Need assistance to find accessible housing (1)
- In locality with Meals on Wheels program (1)
- Low-income apartments that will accept mentally ill (1)

What are their other, related needs?

- Access to caregivers (2)
- Personal care attendants (2)
- Housekeeping service (1)
- Employment/employment counseling (2)
- Education (1)
- Assisted technology (1)
- Access to transportation (4)
- timely and accessible (1)
- Access to medical care (5)
- Access to dental care (1)

- Access to childcare (6)
- Access to K-12 education (1)
- Guidance on family nurturing (1)
- Mental health counseling (4)
- Affordable legal assistance (1)
- Education on tenants' rights and landlord/tenant law (1)
- Substance abuse counseling (2)
- Smoking cessation programs (1)
- Energy assistance (3)
- Food stamps (3)
- Other public benefits (3)
- Short-term emergency loans for basic necessities (1)

2. How would you rate the need for additional housing for your clients, by each of the following types?

TYPE:	High Need	Med. Need	Slight Need	No Need
Emrgncy Shelter	7	2	6	1
Trans. Housing	7	6	2	1
Res. Care	3	3	7	3
Perm. Housing	10	5	2	
Rent	16			
Purchase	5			

3. How would you rate the need for additional housing by size?

TYPE:	High Need	Med. Need	Slight Need	No Need
Studio	6	3	4	1
1-bdrm	9	5		
2-bdrm	8	4	3	
3-bdrm	8	2	3	2
4+ bdrm	5	1	2	5

4. For those interested in renting, what is your area's average monthly rate, excl. utilities and pub. assist. for:

SF home rental?	Two-bdrm rental?
0-\$300/mo	0-\$300/mo

\$3-400/mo	(1)	\$3-400/mo	(2)
\$4-500/mo	(3)	\$4-500/mo	(6)
\$5-600/mo	(1)	\$5-600/mo	(1)
\$6-700/mo	(1)	\$6-700/mo	
\$7-800/mo		\$7-800/mo	
\$8-900/mo		\$8-900/mo	

Manfctrd rental?

0-\$300/mo	(3)
\$3-400/mo	(1)
\$4-500/mo	
\$5-600/mo	
\$6-700/mo	
\$7-800/mo	
\$8-900/mo	

Three-bdrm rental?

0-\$300/mo	
\$3-400/mo	
\$4-500/mo	
\$5-600/mo	(3)
\$6-700/mo	
\$7-800/mo	
\$8-900/mo	

One-bdrm rental?

0-\$300/mo	
\$3-400/mo	(5)
\$4-500/mo	(2)
\$5-600/mo	
\$6-700/mo	
\$7-800/mo	
\$8-900/mo	

Four-bdrm rental?

0-\$300/mo	
\$3-400/mo	
\$4-500/mo	
\$5-600/mo	
\$6-700/mo	
\$7-800/mo	(1)
\$8-900/mo	

Don't Know: (7)

5. For those interested in buying, what is the average price for a typical home?

SF home?

0-\$40,000	
\$40-50,000	
\$50-75,000	(3)
\$75-90,000	(4)
\$90-125,000	(3)
\$125-140,000	(3)
\$140-175,000	(2)
\$175-200,000	(1)
>\$200,000	(1)

Manfctrd home?

0-\$40,000	
\$40-50,000	
\$50-75,000	(2)
\$75-90,000	
\$90-125,000	(1)
\$125-140,000	
\$140-175,000	
\$175-200,000	
>\$200,000	

Don't Know: (9)

6. How long have you been involved in housing issues?

1.5 years	(1)	14 years	(1)
3 years	(1)	15 years	(1)
4 years	(1)	16 years	(2)
6 years	(1)	20 years	(2)
7 years	(3)	22 years	(1)
10 years	(2)	25 years	(1)
13 years	(1)		

How did you first get involved?

- Started volunteering for non-profit and was hired (4)
- Started as volunteer for non-profit and now am director (1)
- Started as secretary and now am director of non-profit
- Started as a case manager for gov't agency, moved into non-profit
- Started in field of college major, was hired by gov't agency, then to non-profit (3)
- Started working for state gov't, now work for non-profit (1)

7. What factors, if any, affect either the availability or affordability of rental housing?

- Lack of well-paying jobs/minimum wages (5)
- Greed (1)
- Poor economy (1)
- Supply and demand (2)
- Landlords have dropped Section 8 and subsidized because rental mkt is tight (1)
- Costs too high to rent or to buy (3)
- Stigma of past prison experience (1)
- In-home care programs keep people in home longer; housing is scarce (1)
- Glut of houses on market in communities where seniors are moving into assisted living centers (1)
- Large families cannot afford to rent space big enough for all family members without crowding (1)
- Cost of housing so high people are waiting until their numbers come up on subsidized housing list before moving out of own homes (1)
- Landlords don't want to rent to women coming out of DV situations (1)
- Location: people want to live where housing is not affordable (1)
- Lack of good public transportation (3)
- Uncertain economy (1)
- Housebound (1)
- Size of state (spread out) (1)
- Supply and demand of rentals (1)
- Two-year waiting list for subsidized (1)
- College town--competing with college students for housing (1)
- In-migration of people with money who are driving up prices (2)
- New housing being built for new people moving in with lots of money (1)
- Aging population with changing housing needs (1)
- Younger people moving out of state (1)
- Physicians not coming in to rural areas (1)

8. Does the city or county seem to have public policies or have either the city or county taken actions that negatively impact fair housing?

City has done good things over past two years but county has made no effort at all to assist with affordable housing (1)

No tactile marking of public notices for blind people (1)

Attitude about low-income (1)

No planning for low-income housing (1)

Our community has two complexes certified for elderly and disabled, but they screen heavily to place elderly there (1)

Zoning regulations raise costs beyond affordability (1)

No (6)

Don't Know (5)

9. Regarding the city and county development and housing programs, how would you characterize the effectiveness of these programs in affirmatively furthering fair housing, given their level of resources?

The most effective programs in our area are run by non-profits, not government (1)

So little planning; negative impact where there is no planning (1)

Our county has few resources (1)

Our county has done nothing (1)

People cannot access city grant funds unless they have an income of \$20,000 (1)

Not enough affordable, larger homes for families (1)

Generally working toward AFFH (1)

Local economic development organization only focuses on assisting farmers (1)

No idea (6)

Good (3)

10. Do you think there is sufficient outreach and education?

No (6)

Yes (0)

Don't Know (4)

Could do more (2)

FHC in Missoula operates sporadically in Kalispell; has been "neutered" (1)

People are very complacent; both sides need education (1)

11. Is more FH testing needed?

No (0)

Yes (6)

Don't Know (3)

12. Do you know of fair housing non-compliance instances with Public Housing Authority facilities?

No (14)

Yes (2)

Comments:

Know of situation where mentally ill person was discriminated against because it was known in community that individual periodically failed to take medication that kept individual stable (was taking medication when denied housing).

No public housing authority in Kalispell: all private, operates independently (1)

Not PHA, but Sec. 8 housing: landlord dislikes mentally ill tenants and looks for small errors (we all make small mistakes) that he can use to evict them. (1)

13. If you were to draft a Fair Housing Plan, what criteria, issues or goals would you include, in regards to the population that you serve?

Public Housing Authority

Infusion of money to subsidize housing

Better access to State Board of Housing for affordable home ownership

Better monitoring of trailer court landlords (get rid of slumlords)

Safe, adequate, affordable housing for people of various income levels

Safety of neighborhood (2)

Safety for individuals (2)

Reduce fear of other risk populations

No sharing bathrooms in group facilities (privacy issues)

No waiting lists to get in

Families take precedence

Accessible for elderly and disabled (3)

Safety and accessibility inside unit for people on medications that unsettle their balance and dexterity (1)

Clean and pleasant (2)

Good light to prevent claustrophobia and paranoia of mentally ill residents (1)

Scrutiny of property managers: avoid "sadistic landlords" (1)

Everything in living situation in working order

Continual monitoring for FH compliance

Special concern for youth with disabilities

Special protection for youth under age 18

Non-discrimination

More available housing in rural areas

Need to educate landlords and tenants regarding landlord/tenant law

Low-income housing not all lumped into one part of town to avoid stigma (1)

Housing within walking distance of employment opportunities, schools, and stores (1)

Additional Comments:

Old motel with kitchenettes has been turned into retirement center in eastern Montana, providing low-income housing for seniors in that area.

Housebound seniors have a hard time getting out to look for rentals, particularly in tight rental markets.

Senior apartments have many vacancies in this area due to bad tempered property manager. He has been reported to adult protection, but no action taken yet. He is not physically violent, but may be an alcoholic.

Some communities are losing senior centers due to aging and dying elder population.

Recently in our community, a 78-year-old developmentally disabled man was evicted by his landlord for not cutting his grass as frequently as the landlord wanted him to.

Need for subsidized housing for couples who are both on Social Security Disability Income.

Need more oversight in elder-certified facilities. It is my experience that these places are very restrictive about the residents they will take, e.g., no people in wheelchairs, no bed-ridden residents, no feeding tubes.

FAIR HOUSING AND LOW-INCOME PROVIDERS SURVEY SUMMARY

Thirteen fair housing and low-income providers from 6 Montana communities were surveyed during the period of July 30, and August 2 - 10, 1999, regarding fair housing.

Survey Questions

1. Who are your clients?

Low-income people	(2)	Dislocated workers	(1)
Disabled people	(2)	Migrant workers	(1)
Montana newspapers	(1)	Montana renters/home buyers	(1)
Native Americans	(2)	Montana landlords	(1)
Developmentally disabled	(2)	Montana citizens	(2)
FH protected classes	(1)		

What are their housing needs?

Affordable	(4)
Handicap accessible	(3)
Habitable	(1)
To have one	(2)
Fairness to all parties	(1)
Supported group settings	(1)
To overcome prejudiced attitudes in the pursuit of home ownership	(1)
To overcome discrimination	(2)
To be able to live in community, not institutional setting	(1)

What are their other, related needs?

Accessibility inside and outside of residence	(2)
Family support services	(2)
Transportation	(1)
after working hours & weekends	(1)
Childcare	(3)
Food	(2)
Food Stamps	(1)
Meals on Wheels	(2)
Other public benefits	(2)
Mental health care	(2)
Medical care	(2)
Financial assistance	(1)
Awareness and prevention of discrimination	(2)
Awareness and prevention of harassment	(1)
Assistance with daily living skills	(1)

Life skill training towards independence	(1)
Full-time or limited supervision	(1)
Employment	(1)
Financial assistance:	(1)
Credit	(1)
Banking	(1)
Insurance	(1)
Be free from unwanted advances of landlords	(1)
Family support services	(1)

2. How would you rate the need for additional housing for your clients, by each of the following types?

TYPE:	High Need	Med. Need	Slight Need	No Need
Emrgncy Shelter	5	3	2	
Trans. Housing	3	5	2	
Res. Care	2	2	2	2
Perm. Housing	10			
Rent	9			
Purchase	8			

Most of our clients do not even have the option to buy, but that doesn't mean that they don't want to.

Our clients have a hard time even renting, due to their service animals.

Our clients would like to be able to stay in one place and work steadily at one job.

Very few developmentally disabled people have been able to purchase homes. Biggest block is attitudes of lenders, providers, and even the families of disabled persons.

Most of our clients who want to own their own homes end up in mobiles because that is the only thing they can afford.

3. How would you rate the need for additional housing by size?

TYPE:	High Need	Med. Need	Slight Need	No Need
Studio	1	3	4	1

1-bdrm	4	1	4	
2-bdrm	7	2		
3-bdrm	6	3		
4+ bdrm	2	3	3	1

Billings' Section 8 Waiting List is 1-3 years.

People with caregivers need two-bedroom apartments but can only get subsidy for one-bedroom apartment (no privacy).

4. For those interested in renting, what is your area's average monthly rate, excl. utilities and pub. assist. for:

SF home rental?

0-\$300/mo	(1)
\$3-400/mo	(1)
\$4-500/mo	(1)
\$5-600/mo	(1)
\$6-700/mo	(4)
\$7-800/mo	(1)
\$8-900/mo	(1)
\$9-1000/mo	(1)

Two-bdrm rental?

0-\$300/mo	
\$3-400/mo	(1)
\$4-500/mo	(4)
\$5-600/mo	(1)
\$6-700/mo	(2)
\$7-800/mo	(1)
\$8-900/mo	(1)
\$9-1000/mo	

Manfctrd rental?

0-\$300/mo	
\$3-400/mo	(1)
\$4-500/mo	
\$5-600/mo	(1)
\$6-700/mo	(1)
\$7-800/mo	
\$8-900/mo	

Three-bdrm rental?

0-\$300/mo	
\$3-400/mo	
\$4-500/mo	
\$5-600/mo	(3)
\$6-700/mo	
\$7-800/mo	
\$8-900/mo	

One-bdrm rental?

0-\$300/mo	(1)
\$3-400/mo	(4)
\$4-500/mo	(1)
\$5-600/mo	
\$6-700/mo	
\$7-800/mo	
\$8-900/mo	

Four-bdrm rental?

0-\$300/mo	
\$3-400/mo	
\$4-500/mo	
\$5-600/mo	
\$6-700/mo	
\$7-800/mo	
\$8-900/mo	

Don't Know: (3)

5. For those interested in buying, what is the average price for a typical home?

SF home?

0-\$40,000	
\$40-50,000	
\$50-75,000	(1)
\$75-90,000	(2)
\$90-125,000	(5)
\$125-140,000	
\$140-175,000	
\$175-200,000	
+\$200,000	

Manfctrd home?

0-\$40,000	(1) trailer, no lot
\$40-50,000	
\$50-75,000	(1)
\$75-90,000	(1)
\$90-125,000	(1)
\$125-140,000	
\$140-175,000	
\$175-200,000	
+\$200,000	

Don't Know: (4)

6. How long have you been involved in housing issues?

1 year	(1)	14 years	(1)
2.5 years	(2)	17 years	(1)
8 years	(1)	20 years	(2)
10 years	(1)	22 years	(1)
12 years	(1)	23 years	(1)

How did you first get involved?

Live in HUD home; it sparked my interest in housing issues.

Started on board of non-profit dealing with housing issues; went to law school to be an advocate for low-income people in the housing arena

Started working for a congressman from my district and got interested in housing issues, moved into private sector.

Started as community organizer, then worked on staff for a local congressman, from there got involved in community action.

Started as lobbyist in housing arena, now involved with non-profit.

Started out in real estate and saw housing needs; I got involved in advocacy.

Started volunteering as a college student and eventually it worked into a full-time job.

Purchased rental property and got involved in landlord issues.

Started working for state and am still here (2)

Started as researcher in field and recently got involved in state administrative agency in same field.

Started in community organizing and became involved in housing issues, among other things.

7. What factors, if any, affect either the availability or affordability of rental housing?

- Lack of well-paying jobs/minimum wages (4)
- Wages for people with disabilities is a particular problem (2)
- Wages have not kept pace with property values (1)
- Major industries of the state are being replaced with high volume of low-paying service industry jobs (1)
- Economy–no industry (1)
- Discrimination biggest barrier (2)
- “NIMBY” (2)
- Market demand (1)
- Equal opportunity barriers–preconceptions or assumptions re: the protected classes (1)
- Shortage of affordable housing to rent or to buy (1)
- Price of land in western and central Montana has skyrocketed (1)
- Rental market tight: few affordable, decent places to rent (1)
- Community investment in “affordable housing” is not affordable to those who need it (1)
- Zoning problems: proactive planning departments, e.g., no multi-family, imposition of impact fees, no manufactured or modular homes, age and marital status (latter targeted at students, but affects group home residents as well) (4)
- Covenant problems (1)
- Homeowner Associations restricting children (1)
- University communities have term-based housing crunch (1)
- Land costs (2)
- Californians moving in, raising housing costs (1)
- Multi-family units not favored in this area (1)
- Long waiting lists for low-income housing (1)
- No housing available for temporary and seasonal agricultural workers (1)
- Service/tourism jobs with no benefits or job security (1)
- No market for upscale renters (1)
- Aesthetic choices and high costs of housing (1)

8. Does the city or county seem to have public policies, or have either the city or county taken actions that negatively impact fair housing?

- Yes (1)
- No (4)
- Don't Know/Not Sure
- Prefer not to answer (1)

Investment decisions on affordable housing are disenfranchising large groups of people; the “spirit of the law,” rather the “letter of the law,” is violated. The decisions are probably not based on FH criteria, but that doesn’t mean the decisions are fair.

City is very active, but they have run out of money. County doesn’t do anything.

Needs to be more recruitment to get individuals and communities involved in affordable housing; agencies cannot do it alone.

Have had great support from state legislature re getting group homes into the community.

Very active housing authority here.

City has taken aggressive steps to remove barriers to FH.

Only two Montana cities are entitlement cities.

Has not taken any adverse actions, but is not proactive either. Could do more.

9. Regarding the city and county development and housing programs, how would you characterize the effectiveness of these programs in affirmatively furthering fair housing, given their level of resources?

They do the best they can with what they have (1)

Meeting the “letter of the law” but not the “spirit of the law” (1)

Not a high priority (1)

Moderate to adequate (1)

Local community housing group doing a good job (2)

Would like to see county get as involved as city has been on FH (1)

They do a good job (2)

Bozeman and Missoula seem to be very supportive (1)

All for education, but don’t want to do enforcement (1)

10. Do you think there is sufficient outreach and education?

Yes (5)

Housing brochure has been particularly effective (1)

Minimal Compliance (1)

Always can be more (1)

We get the information out, but people don’t always get the information (1)

You have to sometimes “scratch” to find it (1)

Not evenly distributed to everyone in the community (1)

They could do more; they should do more. They need to understand discrimination won’t end with education. (1)

No (1)

11. Is more FH testing needed?

Yes (10)
No (2)
Who Knows (1)

Not a fan of random testing. Think complaint investigation is fine, but random testing seems to “look” for violations, e.g., application asks for “spouse,” and landlord is accused of discriminating against unmarried people, when the application is a standard form.

Investigate complaints; don’t do proactive testing.

It is always needed: 1) it is important; 2) it works; and, 3) it is [true that it is] entrapment, but that is the only way to prove discrimination. Discrimination is always so hard to prove. If one is on the “up and up,” there is nothing to fear.

Used to be done out of our community; it was taken away. Now is done out of Missoula.

Continuing need to test throughout the state.

12. Do you know of fair housing non-compliance instances with Public Housing Authority facilities?

No (7)
Yes (4)
Refuse to comment (1)

There has been some, usually against Native Americans, but probably against Black people, too.

Can’t prove it, however. Minorities are targeted–Native Americans and Hispanics. Disabled people with service animals are denied housing. I don’t think many property managers are aware that denying someone with a service animal housing is discrimination.

City 1: denied housing to disabled person due to service animal.
City 2: housing segregated Native Americans from rest of residents.
City 3: pretty good, but has “reasonable accommodation” issues.
City 4: doing good job.
(Requested that city names not be used)

13. If you were to draft a Fair Housing Plan, what criteria, issues or goals would you include, in regards to the population that you serve (In order of importance)?

#1: Safety: many complaints that we get are harassment by neighbors or landlord harassment. Need controls against vandalism in housing complexes.

#2: Public Housing Authority on-site managers: who are active, inspect and repair, check out complaints, document complaints before taking action. Right now, most PHAs do not have on-site managers.

1) Economic reality of job market and increased low-income needs: should be based on minimum wage & qualifications for housing. Right now, require too great an income to qualify for “low-income housing.”

- 1) Treated fairly and with respect.
- 2) Accessibility very important.
- 3) Repairs performed on timely basis.

- 1) Build more affordable housing.
- 2) Regulate housing so it is not abused by landowner or landlord.
- 3) Protect safety of tenants.
- 4) Accessible to disabled.
- 5) Protect tenants from abuse of excessive profits.
- 6) Encourage more non-profits to get involved in creating more affordable housing.

- 1) Keep going the direction we are going.
- 2) Enhance efforts through schools.
- 3) Educate landlords.
- 4) Devise different ways (multi-media) to reach people.
- 5) Work closely with housing providers, institutions (lenders, real estate professionals, property managers, landlords).

- 1) Affordability
- 2) Large enough units for larger families.

- 1) Offer education to landlords, other professionals involved in housing issues.
- 2) Get education accredited with Board of Realtors for CE credit and with Montana State Bar Association for CLE credit.
- 3) Continue to offer information on FH advertising (brochure is very helpful and cheap and easy to mail).
- 4) Ensure that other agencies don't pass rules or offer programs that negatively impact FH.

#1 Need staff on site at group homes. Sometimes housing is arranged without a room for disabled person's caregiver(s).

- 1) Accessibility
- 2) Formula–rent/mortgage–based on their subsidies (Group home residents are only given \$50/month for personal necessities)
- 3) Locate housing near public transportation.
- 4) Locate in safe areas for walking to stores and other public places.
- 5) State take more active role in developmental disability issues.

- 1) Make sure everyone has equal access to FH.
- 2) Eradicate discrimination on basis of race and national origin.
- 3) More training on disability housing issues, particularly in regards to landlord discrimination against service animals. These are not pets. Landlords must make reasonable accommodations for their disabled tenants.

- 1) Reduce discrimination.
- 2) More education.
- 3) More investment and testing.
- 4) More timely investigations by HUD
- 5) Speedy court process similar to walk-in protective order judges for tenants to get Temporary Restraining Orders to act as temporary injunctions on housing issues.
- 6) Recognition that some disabilities may be temporary, but accommodate for them.
- 7) Proactive examination of how 1999 Supreme Court decision that further defines disabilities to ones not correctable will affect fair housing issues.

- 1) Accessibility: major problem for disabled in rural and urban Montana. Disabled group in our coalition states that 50% of disabled Montanans live in non-accessible housing.
- 2) Race not a consideration (“I don’t want to rent to an Indian” still heard in Montana).
- 3) Same-sex couples given same access to housing as gender-mixed couples.
- 4) Preclude discrimination in housing against Section 8 recipients.

Additional Comments:

Long waiting lists for Public Housing facilities the biggest problem for my clients.

Other disability groups gang up on developmentally disabled, e.g., “we are only physically disabled, not mentally disabled like you!”

HUD loan programs discriminate unfairly against college students by precluding them from some HUD loans (not based on age, but on status as college student).

NON-PROFIT AND AGENCY PROVIDERS SURVEY SUMMARY

Overview

Seventeen non-profit and agency providers 17 Montana communities were surveyed during the period o July 21 - 22, 29 - 30, and August 2, 1999, regarding fair housing.

Survey Questions

1. How many residential units do you have or have you built/added in the last year?

1-10	(4)	76-100	
11-20	(2)	101-125	
21-40	(6)	126-150	
41-60	(1)	151-200	(1)
61-75		200+	(2)

What % are SF?

1-10%	(1)
10-25%	(1)
25-50%	
50-75%	
75-100%	(3)

What % are MF?

1-10%	(1)
10-25%	(1)
25-50%	
50-75%	(1)
75-100%	(8)

Group Home? (3)

2. On average, how long do these units stay on the market before being occupied?

Waiting List	(8)
Classes that create pool of applicants	(1)
0-10 days	(1)
10-20 days	(2)
20-30 days	(1)
2-4 mo.	(1)

3. For rental property, what is your area's average monthly rate, excl. utilities and pub. assist. for:

SF home rental?

0-\$300/mo	
\$3-400/mo	
\$4-500/mo	(1)
\$5-600/mo	
\$6-700/mo	
\$7-800/mo	
\$8-900/mo	
\$900-1000/mo	
+\$1000/mo	

Two-bdrm rental?

0-\$300/mo	
\$3-400/mo	(2)
\$4-500/mo	(2)
\$5-600/mo	
\$6-700/mo	
\$7-800/mo	
\$8-900/mo	
\$900-1000/mo	
+\$1000/mo	

Manfctrd rental?

0-\$300/mo
\$3-400/mo
\$4-500/mo
\$5-600/mo
\$6-700/mo
\$7-800/mo
\$8-900/mo
\$900-1000/mo
+\$1000/mo

Three-bdrm rental?

0-\$300/mo
\$3-400/mo
\$4-500/mo (2)
\$5-600/mo (2)
\$6-700/mo
\$7-800/mo
\$8-900/mo
\$900-1000/mo
+\$1000/mo

One-bdrm rental?

0-\$300/mo (1)
\$3-400/mo (1)
\$4-500/mo
\$5-600/mo
\$6-700/mo (1)
\$7-800/mo
\$8-900/mo
\$900-1000/mo
+\$1000/mo

Four-bdrm rental?

0-\$300/mo
\$3-400/mo
\$4-500/mo
\$5-600/mo
\$6-700/mo
\$7-800/mo
\$8-900/mo
\$900-1000/mo
+\$1000/mo

Don't Know: (12)

3a. For owner-occupied housing, what is the area's average price, incl. the lot, of a typical:

Two-bdrm SF home?

0-\$40,000
\$40-50,000
\$50-75,000 (1)
\$75-90,000 (2)
\$90-125,000 (2)
\$125-140,000
\$140-175,000
\$175-200,000
+\$200,000

Two-bdrm home?

0-\$40,000
\$40-50,000
\$50-75,000
\$75-90,000
\$90-125,000
\$125-140,000
\$140-175,000
\$175-200,000
+\$200,000

Manfctrd

Three-bdrm SF home?

0-\$40,000
\$40-50,000
\$50-75,000
\$75-90,000
\$9-125,000 (1)
\$125-140,000

Three-bdrm Manfctrd home?

0-\$40,000
\$40-50,000
\$50-75,000
\$75-90,000
\$90-125,000
\$125-140,000

\$140-175,000	(1)	\$140-175,000
\$175-200,000		\$175-200,000
+\$200,000		+\$200,000

Don't Know: (12)

4. In your opinion, is there enough rental housing in your community to meet the needs of people looking for an affordable place to rent?

No (13)
Yes (2)

Comments:

- Rents are high, beyond reach of local residents (2)
- Large number of substandard units (1)
- Resort area driving up prices, pushing out locals (1)
- Local college drains housing away from available housing for community at large (1)
- Move-ins (1)
- Community just outside reservation has no housing available (1)
- Tax credits projects rent higher than HUD FR price (1)
- Most rental property is real run-down. No middle income rentals (2)
- Overpriced, poor quality (2)
- Tax credits are eliminating subsidized housing (1)

Is there enough housing for purchase in your community to meet the needs of people looking for an affordable place to buy?

No (11)
Yes (2)

Comments:

- Prices are very high, hard for people to get financing (1)
- Not a lot of houses on the market (1)
- Resort area inflating prices, locals can't afford (1)
- Prices too high for wages (1)
- Not enough affordable houses that meet government regulations for group homes (1)
- People moving in—not enough housing for everyone (1)
- People with developmental disabilities can't meet criteria to purchase homes (1)
- No houses in \$50-60,000 price range (2)
- City has first-time home-buyer program, but the money ran out (1)

5. How would you rate the need for additional housing by type?

TYPE:	High Need	Med. Need	No Need	Slight Excess	Glut
SF	12	5		1	
Duplex	8	5	1		
Manfctrd	2	5	4		
Apts.	9	4	4		
Subsidized	13	2		1	

6. How would you rate the need for additional housing by size?

TYPE:	High Need	Med. Need	No Need	Slight Excess	Glut
1-bdrm	5	5	5		
2-bdrm	10	4	2		
3-bdrm	11	4			
4-bdrm	3	6	6		

7. Which is in greater need?

Rental housing	Both	Owner-occupied housing?
9	5	2

Comments:

- Rising rental prices driving out locals (1)
- Lack of decent housing for the price (2)
- College town with lots of retired people who sell their homes and move into town to be closer to services (1)
- Families with more kids can't afford 4 or more bedroom units and are vying for the available three-bedroom units (1)
- People are afraid to buy in the unstable economy no matter if homes are affordable or not (1)
- People don't want to buy until they get through a Montana winter (1)
- Jobs are diminishing, wages are low, rent is high (1)
- Need some spec development here (1)
- No room in city limits to build starter homes (1)
- The "dream" of owning a home is totally beyond the reach of a lot of people (2)
- Need affordable family housing (1)
- Need more lower-priced homes to purchase (2)
- A lot of people want to buy but can't afford (1)

8. What factors, if any, affect either the availability or affordability of rental housing?

- Lack of well-paying jobs/minimum wages (7)
- No building going on in my area (2)
- No middle class in this area (1)
- Cost of construction (2)
- Tax increases (1)
- Out-migration in this area (2)
- Out-migration of 24-37 yr. olds, in-migration of 55+ yr. olds (1)
- Lots of new growth coming from people with money moving into the state (1)
- Not a lot of low-income homes that are decent (1)
- Lost a big employer last couple of years (1)
- Covenants against manufactured homes—people want them, but no place to put (1)
- HUD is disconnected from what welfare reform is doing to our population (1)
- Land costs (2)
- Quality of tenants (1)
- No government incentives left (1)
- Zoning restrictions against modular and manufactured (1)
- Not enough housing in this small town (1)
- Not enough rental stock—people want to sell, not rent (1)

9. How would you characterize the for-sale housing in your community?

- Above average (1)
- Good condition (2)
- Mixed fixer-uppers and renovated/good shape (3)
- Not new—not old (1)
- Mix of new and old (2)
- Old (2)
- Old and not renovated (7)
- Substandard (3)

9. As someone who is close to the housing sales market, how do you feel about the fair housing laws?

- Great (2)
- Fine (2)
- Effective (1)
- Must comply (1)
- Very important (3)
- Needed (3)
- Need to be more strictly enforced (1)
- Everyone should be treated equally (1)
- No problem (1)
- Various groups (“Concerned Citizens”) have created problems—like out of control Gestapo because they went after good and bad landlords alike (1)
- “Swamp” (1)

Don't need them (1)

Gives people who wouldn't otherwise be able to get into housing a chance (1)

Are they difficult for you (or others you work with) to understand or follow?

No/Not a problem (3)

Owners have a hard time renting to people with mental health problems (1)

Neighbors have a hard time when a group home for developmentally disabled people comes into the neighborhood ("NIMBY") (1)

Yes (1)

Some people say, "I've rented to enough of 'those people'" (1)

Sometimes the laws are ambiguous and hard to comply with (1)

Conflicting, misunderstood, manipulated by people who can maneuver (1)

How do you combat racism with people who are "red-necks"?

Market caters to lower-income people (1)

People don't understand the language of the law. Needs to be simpler (1)

Need to educate landlords and non-professional property managers (1)

Don't like enforcement by entrapment (1)

Tenants don't understand the laws (1)

In Montana, in your understanding, who is protected under these laws?

National Origin/Different nationalities/Ethnic groups (3)

Elders/Seniors/Age (6)

Handicapped (10)

Religion (4)

Family Status/Single moms, dads (9)

Marital status/Singles (4)

Minorities/Race (5)

Sex/Gender (3)

Native Americans/Indians (1)

Tenants (3)

Political affiliation (1)

Low-income/poor people (1)

Everyone (1)

We have few/don't have any minorities in Montana (4)

Do you think people encounter any problems with fair housing in Montana?

Yes (8)

Native Americans consistently discriminated against in Montana (3)

No (2)

Haven't heard of/seen any (2)

Don't know (2)

Landlords use credit checks to find excuses not to rent to large families, people of color, and Native Americans (1)

In your area of the state?

- No/Not here (3)
- Haven't heard of anything in this area (1)
- Yes (4)

10. Do you serve any special-needs populations with your housing?

- Elderly (mentally competent) (9)
- Frail elderly (1)
- Handicapped (7)
- Mentally Ill (1)
- Young, single mothers (2)
- Developmentally Disabled (5)
- Low-income (3)

What are their housing needs?

- Handicap-accessible: among other things, extra-wide doorways, roll-in showers, special kitchens, grab bars, elevators, ramps, lower countertops, etc. (10)
- Childcare, energy assistance, medical care, family planning, job training (1)
- Transitional housing (1)
- Ability to get out of institutions and be able to live as much as possible in own home (1)
- No "front desks"! (1)
- Home-buyer counseling and education (1)
- Assisted living and retirement communities (1)

What are their related service needs?

- Handicap services (2)
- Home health care (2)
- Housekeeping services (1)
- Caregivers (3)
- Personal care aides (1)
- Family surrogates (1)
- Home training (2)
- Transportation services (1)
- 24-hour staff (1)
- Recreational services (2)
- Rehabilitation (2)
- WIC (1)
- Older workers program (1)
- Food Bank (1)
- Meals on Wheels (6)
- Headstart (1)

11. Do you have any additional concerns or suggestions about the supply of for-sale housing?

Welfare reform has been brutal in Montana—easy to be sanctioned and lose benefits. Most people can't deal with the shame and stigma of living in public housing.

Have had a couple of tangles with FH investigators. They are manipulative and deceitful. They assume property managers are violating the law.

I work with someone who is building homes for low-income families.

Service Animals: how does one distinguish a “medical needs animal” from a pet, when we go beyond the most commonly known categories of Hearing Ear and Seeing-Eye Dogs, and cross into “emotional support animals”? Who decides what is a service animal and what is a pet?

Need our community to get involved with upgrading and improving our housing stock.

Would like to know how recent Supreme Court decision placing limitations on disabilities and further defining them impacts fair housing laws.

The public has gotten inured to hearing about substandard or unaffordable housing.

Montana does not have very advanced landlord/tenant law. There is no code enforcement agency.

Need to rework rental assistance so there is a base rent even with zero income.

So much poverty in our area that if we had 1600 units, we could fill them.

STATE AND LOCAL GOVERNMENT OFFICIALS SURVEY SUMMARY

Overview

Twenty-six state and local government officials from 21 Montana communities and four counties were surveyed during the period from August 9 - 17, 1999, regarding fair housing

Survey Questions

1. How would you rate the need for additional housing in your area by type?

TYPE:	High Need	Med. Need	Low Need	No Need	Excess
SF	10	7	7	1	
Duplex	7	9	6	3	
Manfctrd	7	9	6	3	
Apts.	7	8	7	3	
Subsidized	12	9	2	1	1

Comments:

- The subsidized housing in our community is full, and we could use more (1)
- Need more apartments for elderly widows, housing for prison dependents, more assisted living centers for very old residents (2)
- We have a lot of homes for sale in our area (2)
- Need all housing types for low- to moderate-income people (4)
- Need places to locate manufactured--this would be a great way to provide affordable housing (3)
- Builders are building homes in the \$120K range, but most people can't afford (1)
- Need affordable single-family homes, but we have very little land to build on (1)
- Most people prefer duplexes to apartments, SF homes to duplexes (1)
- Demand for housing has dropped in the past two years (1)
- Lots and infrastructure so expensive that potential mobile home buyers can't afford (1)

2. How would you rate the need for additional housing in your area by size?

TYPE:	High Need	Med. Need	Low Need	No Need	Excess
Studio	3	3	12	7	
1-bdrm	3	11	8	3	

2-bdrm	10	12	3	
3-bdrm	8	13	4	
4+bdrm	1	4	16	2

Comments:

Cost a large factor--people are trying to cram their families into smaller units (fewer bedrooms) because rent prices are so high (1)
 High housing need due to university growth (1)

3. Which is in greater need?

Rental housing	Both	Owner-occ. housing?	Neither	Don't Know
9	10	6	1	

Comments:

Not much building going on in our community; no development in area (2)
 Housing stock needs renovation (1)
 Demand but no supply of affordable housing (2)
 Have a lot of rentals in our community (2)
 Literally hundreds of homes for sale in Bitterroot Valley--our town has grown 68% in last 8 years (1)
 Prison dependents need place to live to be close to convicted family member (2)
 Most people who move to our community come here to stay and want to invest in a home (they don't want to rent) (1)
 Low- to moderate-income housing to buy just non-existent in our area (1)
 Need affordable housing across the board in our area (2)
 Need affordable homes to purchase (3)
 Low-income people can't afford to buy (2)
 Economic plight: people would like to rent-to-own, but have no alternative but to rent (1)
 Lots of new move-ins in our area (4)
 Our area is becoming a large retirement community (1)
 Too many homes for sale on market (1)
 Not very many rentals available, but a lot for sale (1)
 A lot of rental property is put on the market through the tax credit program. Landlords say, "The city is taking away our tenants," when, actually, the landlords' greed is being thwarted. Landlords don't want to upgrade or lower rents (1)
 Big disparity in this area between the "haves" and the "have-nots." There are more "have-nots," and they tend to be locals who can't afford to live in town with the wages they make from the tourist service industries. (1)
 Waiting lists for rentals in our community (1)
 Need down payment assistance for people who want to buy (1)
 Elderly people need living situations with fewer responsibilities (1)

4. What factors, if any, affect either the availability or affordability of owner-occupied housing?

- Prefer not to comment (1)
- Lack of well-paying jobs/low wages (10)
- Lack of down payment (1)
- High rental rates (1)
- High home prices (4)
- Inability to get financing (2)
- Infrastructure costs (5)
- Greed (2)
- Hopelessness (1)
- Not many available building sites (3)
- Supply and demand—not enough supply (2)
- Profit margins (1)
- Land costs (9)
- Transportation (hard for elderly to get around in our large county) (1)
- Construction costs (7)*
- Collapse of farm and oil economies (1)
- A lot of LRDZ (low residential density zone) here, which restricts to SF only (1)
- Interest rates great until compared with per capita income (1)
- Too many real estate agents who keep the prices up (1)
- Not much industry in our area (1)
- Depressed economy, and ecologists are preventing industry from coming into area (1)
- Lack of understanding by community for need for affordable housing (1)
- “NIMBY” (1)

* 30-40% increase in price of lumber in past two months (since June 1999) (2)

5. How would you characterize the housing stock in your community?

- Above average (1)
- Good condition (6)
- Mix of good condition and substandard housing (7)
- Mostly newer (2)
- Mix of new and old (11)
- Old (5)
- Old and substandard (9)
- Overpriced (1)
- A lot of “slum lords” in our town (3)
- Our most active work is chasing abatements (1)

6. What is the housing stock like in the rest of the state?

- Don't know (12)
- Rural tends to old; growth areas have a lot of new stock (2)

In the growth areas, not enough housing (1)
 Bigger cities--good; smaller, rural areas--not renovated (2)
 Only know about my area (1)
 Growth in recreational areas (Bozeman, Billings, Missoula), but stagnant in Butte and Great Falls (1)
 Cities in the same age bracket as ours have the same housing problems (1)
 Basically similar to our town, except in very elite areas, like the ski resorts (1)
 Areas of the state that are overbuilt and not affordable (1)
 Pretty poor and overpriced (2)
 Rental rates pretty high for mostly substandard housing (1)

7. Is there an area (or areas) of the state, that you know of, that has especially poor or substandard housing?

Don't Know (13)
 No Comment (1)

Location:

Indian reservations (6)*
 Rocky Boy's
 Ft. Peck
 N. Cheyenne
 Crow

* but Ronan is very nice

Possible Reasons:

Don't Know (2)
 Money not available (1)
 Don't know how to access grants (1)
 Poor economy (3)
 Not a lot of jobs (2)

Rural farm lands/E. Montana (5)

Need money to renovate, but people out there don't tend to renovate (1)
 Decline in agriculture (3)

All small towns (2)
 Billings & Great Falls (1)

Economy (2)
 Industrialized, large minority pop (1)

Browning (1)

Don't know--last 30 yrs gone down (1)

Lincoln County (1)

Not enough private land (mostly USFS)

8. As someone who is close to the housing market, do you think that housing is equally accessible to all Montanans?

Yes (7)
 No (14)
 Don't Know (3)
 Here, it is, but I don't know about everywhere else (1)

Comments:

Income is a limiting factor (8)
 Price is a factor (5)

Through the city we have affordable housing if people want to buy (1)
Economy (1)
Minorities don't have problems in our state (1)
We have a lot of people in our area who live in the woods as well as in shelters (1)
There isn't any low-income housing available (1)
The economy here is low, yet we pay the same high prices for building materials as they do everywhere else (1)
Taxes on [seniors] are high, and some families can't afford to keep [their homes] (1)
Wages too low for people to be able to own their own homes (4)
Locals think prices are too high; outsiders think prices are a bargain (1)
Older homes don't qualify for federal financing; by the time they are brought up to code, the homes are out of the price range of most people (1)
Housing is easy for people with good jobs or additional money from somewhere else (1)
House prices are high in western Montana, reasonable in eastern Montana (1)
Cost of land very high (2)

9. Do you think people encounter problems with fair housing in Montana?

Yes (5)
No (8)
Not here (6)
Don't Know (8)
No Comment (1)

Who?

Low-income renters (4)
People with pets (1)
Families with kids (2)
Gay people (1)
Areas with high minority populations (1)
Native Americans (1)
People tend to take advantage in this area (1)

10. Have you heard of, or do you know of specific instances involving unfairness (discrimination)?

No (17)
I know of one or two instances where the landlord refused to fix heaters and we had to get involved (1)

11. Do any special in-need populations have a greater than usual unmet need for housing in your area?

No (13)
Yes (12)

If so, which group(s)?

Elderly who need to sell their rural homes so they can afford to move into group care settings in larger communities (2)
Elderly are now having to leave the community because we don't have any assisted living centers nearby (1)
Low-income elderly and disabled can't afford to get into the available housing (4)
Low-income families (3)
Handicapped facility recently built but already full--we need another (1)
Housing for people with Alzheimer's disease (1)
Physically and/or financially handicapped elderly (1)

In other places in Montana (Describe)?

Don't Know (9)
Probably Native American reservations (have no personal knowledge of this) (1)
I think elderly in other small towns are having the same problem we are, that is, needing more local assisted living facilities (3)
Low-income people (1)
Elderly living solely on Social Security (2)
Deer Lodge/Anaconda has unmet elder housing needs (1)
Elderly in retirement areas (1)

What are their housing needs?

24-hour care
Meals provided or can fix own meal in room
Accessibility (2)
Safe (1)
Affordable (4)
More bedrooms (1)
Close to towns (1)

12. Do you know of any codes, zoning ordinances, or regulations that may represent barriers to affordable housing?

We get a lot of complaints that the building code price is too high (even though we have it on a sliding scale basis) (1)
Our town will not permit mobiles in town (1)
Sewer not accessible to everyone in town (1)
Our town requires that all building meet State Uniform Building Code (1)
UBC only controls safety, it can't force accessibility for disabled (1)
Our town has a three-zone layout: in low density, historical district, UBC modulars are permitted but not mobile; in medium and rural density, mobiles are okay (1)
Zoning keeps manufactured housing out within city limits; have to locate in county (3)
County requires septic system and well before manufactured homes can be located (2)
Costs of infrastructure to improve lots for building or manufactured homes (3)
Zoning ordinances that require curbs, gutters, street lights too restrictive (2)
Not much to guide: no building codes--state inspects, no city official (1)
No (14) – (despite builders' complaints (1))

13. In your opinion, are there any other obstacles or barriers to developing affordable housing?

No (5)

There is nothing going on in our community: we need some development, a light manufacturer to bring in jobs, money (1)

Lender's standards: outdated stock not able to be financed as is, but when renovated, out of affordable price range (1)

Infrastructure for building sites make homes unaffordable for many people (4)

Environmentalists keep a lot of industry from going on—promoted by local groups, but pushed by national groups (1)

“NIMBY” attitudes (4)

Construction costs (6)

Land costs (2)

Lack of available land (2)

Inflated real estate costs (1)

Realtor commissions represent 27% impact on land prices (2)

Impact fees represent 7% impact of total building costs (1)

Review procedures could be streamlined (1)

People don't want high density housing (2)

Attitude of entitlement to “wide, open spaces” (1)

Infrastructure not a large addition to higher priced homes, e.g., if infrastructure adds \$5K, not a big deal for a house priced at \$100K (1)

It was great that the state amended code to allow homeowner to wait to insulate the basement until the basement is finished, rather than when the home is built (2)

Can't force developers to build affordable housing (1)

Financial limitations (1)

14. Do you have any additional concerns about housing issues or suggestions about the supply of housing that you would like to add?

I recently attended an affordable housing conference in the mid-west. There I learned that home prices in the east and southeast are much higher than homes in Montana, yet those communities seem to be getting lower-income people into those higher-priced homes, where we in Montana are not. I would like to know how they are doing it.

Concerned about building code issues: One of our state senators just about got rid of the building inspector jurisdiction; that would have reduced building inspections to city limits, leaving extra-territorial areas without building inspectors. Thank goodness the governor vetoed it.

It doesn't make sense to me that the state allows builders to leave out smoke detectors and to put in windows too small to get out of in a fire, yet allows them to build oversized garages so us [sic] Montanans have room for our big trucks. We might burn up in a fire, but our trucks will be safe inside the garage!

State legislature needs to do something to help the low-end housing market, such as tax incentives, or tax breaks.

Need incentives to offset the cost of infrastructure.

Need to ensure that if housing is built for low-income, that it is set aside for those people that need it, and not rented to just anybody.

Need incentives to renovate older homes that will revitalize communities and provide more affordable housing.

Need to have banks be more willing to work with young couples just starting out to get them lower interest rates so they can get into home ownership.

In our community, low-income people live in an old hotel (seven stories) that has no fire escapes, sprinklers. Our fire department ladders only go to five stories, so if there were a fire, a lot of people would suffer.

Hopelessness: Montana has one of the highest suicide rates in the nation. Recently, in our community, a 78-year-old man killed himself because he was evicted when he ran out of money. People feel like they are in a "Catch 22" situation: they are never going to earn enough to get up in the world, so why try? By locating all low-income people together, it becomes a breeding ground for hopelessness and no self-esteem, which then breed other social problems.

In our community, greed is landlords who convert duplexes into four-plexes by turning the garages into studio apartments.

What is "affordable" to one person may not be "affordable" to another.

No one in "dire" need in our community. Some areas of the state have a lot of blighted trailer housing, thus the negative attitude towards manufactured housing. On the other hand, I think that a mini-modular subdivision would be very well received in this part (NW) of the state.

Big problem with inflated prices in our area! There are homes on the market with 13,000 sq. ft., priced at over \$500K! This money is not being earned in this area! The urban sprawl is affecting surrounding land prices, which are now going for \$3-5K/ acre, yet the tax credit homes are not filling up.

Need redesign of zoning requirements to allow for planned unit developments (cluster housing). The way zoning is now, it encourages urban sprawl.

Definitely need more housing here. A lot of greed is kicking in: half the landlords advertising in the paper are not from the local area.

Not enough rentals in towns. For-sale homes tend to be people moving up to something larger, rather than people getting into their first homes.

It's great that outsiders with money are buying up older homes and renovating them because it adds value to the community.

The keys to meeting Montana's housing needs are:

1) To increase diversity in housing stock to include mobiles, duplexes, townhouses, condos, and finally, single-family; and

2) To divest ourselves of the American myth that SF detached, with 2-car garages should be affordable for almost everyone. We need to look for alternatives and quit being mired in the idea that we all should live like "Leave it to Beaver."

Bumpersticker: "Make welfare as hard to get as a building permit."

Don't like it that the government will pay for people to go into nursing homes, but not for assisted living centers. What if a person doesn't need the kind of care a nursing home has to offer? Isn't that a waste of taxpayers' money?

Need some sort of community partnership where government provides long-term loans to communities to help build affordable housing. We need to use CDBG monies here for lower-income working people.

Montanans are getting frozen out of the housing market. When ½-acre lots are going for \$60K, not many Montanans can afford. Younger purchasers can't afford.

People move here for the scenery and find out there aren't any jobs, or the jobs there are pay poorly. You can't eat the scenery. It won't keep you warm in the winter.

Where two people in a couple earn minimum wage, even combined, it is not enough to save for a down payment or qualify for a home loan.