

Civil Rights *and* Fair Housing in North Dakota



A Briefing Report of the
North Dakota Advisory Committee to the
U.S. Commission on Civil Rights

July 2021

Advisory Committees to the U.S. Commission on Civil Rights

By law, the U.S. Commission on Civil Rights has established an advisory Committee in each of the 50 states and the District of Columbia. These Committees are composed of state/district citizens who serve without compensation; they are tasked with advising the Commission of civil rights issues in their states/district that are within the Commission's jurisdiction. Committees are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice; advise the Commission on matters of their state or district's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to Committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states/district.

Letter of Transmittal

North Dakota Advisory Committee to
the U.S. Commission on Civil Rights

Members of the Commission

Norma Cantu, Chair
J. Christian Adams
Debo P. Adegbile
Stephen Gilchrist
Gail Heriot
David Kladney
Peter N. Kirsanow
Michael Yaki

Mauro Morales, *Staff Director*

The North Dakota Advisory Committee, as part of its responsibility to advise the Commission on civil rights issues within the state, submits this report, "Fair Housing in North Dakota." The report was approved by the Advisory Committee by a vote of 7 to 1.

Sincerely,

Michelle Rydz, *Chairperson*

**North Dakota Advisory Committee to the
U.S. Commission on Civil Rights**

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|----------------------|-------------|
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| Yee Han Chu | Grand Forks |
| Kirsten Dauphinais | Grand Forks |
| Crystal Dueker | Fargo |
| Stephanie Johnson | Grand Forks |
| Cheryl Kary | Bismarck |
| Lisa Lone Fight | New Town |
| Sheryl Stradinger | Bismarck |

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I. INTRODUCTION

On June 30, 2020, the North Dakota Advisory Committee (Committee) to the U.S. Commission on Civil Rights voted unanimously to conduct a study of access to fair housing throughout the state. Specifically, the Committee sought to examine potential disparities regarding access to housing and discrimination based upon the protected categories of the population as designated by the Constitution. The Committee also sought to explore challenges to the access of fair housing facing the formerly incarcerated, individuals with disabilities, and those experiencing homelessness.

Beginning on June 30, 2020, and continuing on July 7, 14 and 21, the Committee convened public teleconferences to hear testimony regarding challenges and recommendations regarding access to housing in North Dakota. The following report results from the testimony provided during this meeting, as well as materials collected by the Committee in the analysis of this report. It begins with a brief background of the issue to be considered by the Committee. It then presents an overview of the testimony received. Finally, it identifies primary findings as they emerged from this testimony, as well as recommendations for addressing related civil rights concerns.

II. Background

Housing Discrimination has been a part of America's legacy since post-emancipation. Federal housing policies developed during the New Deal created discriminatory mortgage lending practices called "redlining" resulting in segregated communities. White homeownership was incentivized by federal programs and financial supports while black homeownership in the same communities was barred by restrictive covenants and financial disincentives to realtors and builders.¹

¹ Rose Helper, *Racial Policies and Practices of Real Estate Brokers*, 201 (1969). Institutional racism has always played a part. In 1924, the National Association of Real Estate Brokers adopted an article in its code of ethics stating that "a Realtor should never be instrumental in introducing into a neighborhood...members of any race or

After the long, hot summer of 1967 in which there were dozens of race riots nationwide protesting systemic racism in the United States,² President Lyndon B. Johnson appointed the National Advisory Commission on Civil Disorders, chaired by Illinois Governor Otto Kerner.³ Referred to as the Kerner Commission, its goal was to identify the root causes of the racial unrest, and what could be done to prevent future occurrences.⁴ The Kerner Commission conducted a comprehensive investigation of racial discord and reported pervasive discrimination and segregation in employment, education, and housing as the fundamental causes for the racial disorders.⁵

The report's most famous passage warned, “Our nation is moving toward two societies, one black, one white—separate and unequal.” The report was a strong indictment of white America: “What white Americans have never fully understood — but what the Negro can never forget — is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.”⁶

nationality... whose presence will clearly be detrimental to property values in that neighborhood,” a clause that remained in effect until 1950. *See also* National Academy of Public Administration, *Addressing Community Concerns: How Environmental Justice Relates to Land Use Planning and Zoning*, 2003, p. 26 (noting that Federal agencies, notably the Federal Housing Authority and the Veterans Administration, had practices that supported or fostered housing segregation. These practices included subsidizing suburban growth at the expense of urban areas, supporting racial covenants by denying African Americans mortgage insurance in integrated communities, providing mortgage insurance in segregated residential areas, and redlining).

² *See e.g.*, Kelly Gonsalves, *The 'Long, Hot Summer of 1967'*, *The Week*, Aug. 2, 2017

<https://theweek.com/captured/712838/long-hot-summer-1967>; Kenneth T. Walsh, 50 Years After Race Riots, Issues Remain the Same,” *U.S. News & World Report*, July 12, 2017, (noting that 50 years after the riots of 1967 the issues remain largely the same).

³ <https://www.ojp.gov/ncjrs/virtual-library/abstracts/national-advisory-commission-civil-disorders-report>. National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders*. P.1 (1968). The report included a detailed history of blacks in American society and recommendations for improving the social conditions that foment riots.

⁴ *Ibid.*

⁵ *Ibid.*, 7.

⁶ *Ibid.*

The Commission found inadequate housing conditions, in part, led to the unrest that caused the riots. The housing problem by their analysis was a *political* problem, one that required a political response.⁷

A. The Fair Housing Act

The Fair Housing Act passed in response to the death of Martin Luther King, Jr. was enacted “to provide, within constitutional limitations, for fair housing throughout the United States.”⁸ The act prohibited discrimination on the basis of “race, color, religion, or national origin” in the sale or rental of housing, the financing of housing, or the provision of brokerage services.⁹ The Fair Housing Act was amended in 1974, adding sex discrimination to the list of prohibited activities.¹⁰ The last major change was in 1988 when the Fair Housing Act was amended to prohibit discrimination based on physical and mental disabilities and familial status and included a provision to strengthen enforcement and required multi-family buildings built after 1991 to be accessible.¹¹

B. The North Dakota Housing Discrimination Act

The North Dakota Housing Discrimination Act enacted in 1999 is substantially equivalent to the Federal Fair Housing Act and adds additional protections with respect to age, marriage, public assistance, and status as a victim of domestic violence. Under the provisions of N.D.C.C.

⁷ Ibid, 35.

⁸ 42 U.S.C. § 3601 (2018). The Fair Housing Act, 42 U.S.C. §§ 3601-3619 (2018), was originally enacted as Title VIII of the Civil Rights Act of 1968.

⁹ 42 U.S.C. §§ 3604-3606 (2018).

¹⁰ Housing and Community Development Act, Pub. L. No. 93-383 (1974).

¹¹ Fair Housing Amendments Act, Pub. L. No. 100-430 (1988). In April 2021, the Congressional Research Service issued a report that provides background on the Fair Housing Act, including changes to policies and practices in 2018 and 2021 at <https://sgp.fas.org/crs/misc/R44557.pdf>.

Chapter 14-02.5, the North Dakota Department of Labor and Human Rights is charged with receiving and investigating complaints of unlawful housing discrimination.¹²

III. Summary of the Panels

A. Weakening of Federal Enforcement of the Fair Housing Act¹³

Several panelists spoke of concern of the weakening of the Affirmatively Furthering Fair Housing provision of the FHA. Morgan Williams, General Counsel for the National Fair Housing Alliance, spoke about the provision in the FHA which says that any jurisdiction that receives HUD funds must use those funds in a way that Affirmatively Furthers Fair Housing or promotes open housing choice in integrated communities. He explained that it was largely ignored for many decades because the mandate had no private right of action associated with it. He continued, “In 2015, HUD issued a rule formally titled the Affirmatively Furthering Fair Housing (AFFH) final rule, that provides great guidance for jurisdictions on ensuring that their public policy considerations, in conjunction with their use of HUD funds, serves to promote more integrated communities. Unfortunately, in 2020, a new HUD rule was enacted. The new rule, Preserving Community and Neighborhood Choice, effectively struck down the only meaningful guidance since the Fair Housing Act for how states and localities should redress discriminatory housing practices.”¹⁴

Sarah Pratt, a civil rights lawyer, noted that any discussion about eliminating the obligation to affirmatively further fair housing would require that “[they] change the Fair Housing Act because that obligation is embedded in the Fair Housing Act. It's been there since 1968.”¹⁵ She

¹² N.D. Cent. Code § 14-02.5.

¹³ The panels were held in June and July of 2020. The two rules referenced in this section have since been repealed. We have left them in the report to illustrate the necessity of legislating these rules so they are not continuously changed with each new administration.

¹⁴ Morgan Williams, testimony before the North Dakota Advisory Committee to the U.S. Commission on Civil Rights, briefing, June 30, 2020, transcript, p. 4, (hereafter cited as Briefing Transcript).

¹⁵ Sara Pratt, Briefing Transcript, July 7, 2020, p 7.

continued that affirmatively furthering fair housing is a “fundamental bedrock civil rights principle.”¹⁶

1. Rewriting the Disparate Impact

Similarly, panelists were concerned that the Preserving Community and Neighborhood Choice rule implemented by HUD in 2020 made it substantially more difficult for plaintiffs seeking to use a disparate impact theory to remediate discrimination under the Fair Housing Act.¹⁷ Morgan Williams spoke of the 2015 U.S. Supreme Court decision *Texas v. Inclusive Communities* which upheld disparate impact liability as cognizable under the Fair Housing Act.¹⁸ He noted that HUD’s 2015 Affirmatively Furthering Fair Housing rule outlined a standard for disparate impact liability that draws from existing jurisprudence and provides a uniform approach to considering disparate impact claims, as well as for industry players to consider disparate impact analysis from a compliance standpoint.¹⁹ Sara Pratt concurred, “This analysis is the best tool enforcers have to challenge policies and practices that have little or no real business justification but often are deeply exclusionary.”²⁰ HUD’s Preserving Community and Neighborhood Choice rule in 2020 undid much of Affirmatively Furthering Fair Housing rule.²¹

¹⁶ *Id.*

¹⁷ HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard, 85 Fed. Reg. 60,288 (Sept. 24, 2020). See generally, Briefing Transcripts of the North Dakota Advisory Committee, June 30, 2020 and July 7 and 14, 2020.

¹⁸ Williams, Briefing Transcript, June 30, 2020, p. 13.

¹⁹ *Ibid.*

²⁰ Pratt, Briefing Transcript, July 7, 2020, p. 8.

²¹ Megan Russo, Preserving Community and Neighborhood Choice?, *The Regulatory Review*, Nov. 17, 2020, <https://www.theregreview.org/2020/11/17/russo-preserving-community-neighborhood-choice/>. As of this writing, the Biden Administration has reversed the previous administration’s course on the Disparate Impact Rule undoing the 2020 rule.

B. Fair Housing Concerns in North Dakota

1. Criminal Background Records and History

According to the North Dakota Department of Corrections and Rehabilitation, Black and Native Americans are four times more likely to be incarcerated, on parole, or on probation than their white counterparts. Overall, North Dakota's population is 84 percent white, three percent Black, six percent Native American, three percent other, and four percent Hispanic. This contrasts with the North Dakota prison population which is five percent Hispanic, 19 percent Native American, and 65 percent white, clearly reflecting the disproportionate numbers of communities of color incarcerated in the state.²²

Individuals with criminal backgrounds have difficulty securing housing and often results in homelessness.²³ Panelist Kelly Gorz, the Associate Director of High Plains Fair Housing Center, said that she sees a lot of problems with "blanket policies" which require tenant applicants to have no criminal background, including arrest records.²⁴ Additionally, North Dakota has a law which allows landlords to charge up to two months' rent as a security deposit if the tenant applicant has been convicted of a felony offense.²⁵ Because there is a disproportionate number of people of color in North Dakota's prisons and jails, this law may have a disparate impact and therefore be in violation of the Fair Housing Act.²⁶

Panelist Adam Martin, founder and Executive Director of the F5 project, an organization that provides housing for recently released felons, spoke of not being able to keep up with the demand of housing for those newly released from prison. Martin contends that one of the "biggest issues facing North Dakota, when it comes to housing, is felony backgrounds and mass incarceration" "noting that, out of a population of 790,000 people in North Dakota, 213,000

²² Adam Martin, Briefing transcript, July 14, 2020, pp. 3-4.

²³ Ibid.

²⁴ Kelly Gorz, Briefing Transcript, June 30, 2020, p. 11.

²⁵ North Dakota Century Code at 47-16-07.

²⁶ Martin, Briefing transcript, at 3-4.

individuals (about 28 percent of the population) have a criminal background. This high number demonstrates that many North Dakotans are facing barriers to finding housing.²⁷ Martin further noted that, in his experience, when newly released individuals are placed with good, reputable landlords, he has “only seen one person go back to prison out of all the people that [F5] helped.”²⁸

2. *Sex Discrimination*

For many years, Human Rights activists worked with North Dakota legislators to introduce the legislation to the Human Rights Act amending North Dakota Century Code Chapter 14-02.4 to include protections for LGBTQ status in housing and employment.²⁹ Hearings in support of the legislation included many personal stories about individuals who experienced discrimination in their work and in their housing in North Dakota.³⁰ Despite these important and often heartbreaking stories, North Dakota’s Legislature repeatedly voted against adding LGBTQ status as a protected class, and in some years, the legislation did not make it out of committee.³¹

In 2018, High Plains Fair Housing Center used match-pair testing to gather data about gender discrimination in access to housing. The testers were transgender or gender non-conforming individuals paired with cisgender individuals. The analysis consisted of comparing the treatment of the transgender or gender non-conforming individuals to control testers across a number of indicators. Overall, 70 percent of the trans/gender non-conforming testers experienced subtle forms of discrimination: no eye contact, no handshake, refusal to use the proper pronoun even after the tester informed property manager of their preferred pronoun. Additionally, 80 percent of the trans/gender non-conforming testers experienced discrimination by not being shown the same number of units or showing them different and often inferior units. Other instances of discrimination, such as rushing through the showings or not providing detailed information,

²⁷ Ibid. at 4.

²⁸ Ibid at 5.

²⁹ Cody Schuler, Briefing Transcript, July 21, 2020, p. 8-9.

³⁰ Ibid.

³¹ Ibid at 9.

occurred in 50 percent of the cases for the trans/gender non-conforming testers. Finally, in 60 percent of the cases trans/gender non-conforming testers were asked prying questions that the control testers were not asked, such as, “Do you have a job? What is your level of education? Are you married? Do you have kids?”³²

In discussing sex discrimination, Commissioner Erica Thunder of the North Dakota Department of Labor and Human Rights discussed the application of the U.S. Supreme Court’s recent decision in the *Bostock v. Clayton County*.³³ The *Bostock* opinion clarified what discrimination on the basis of sex means.³⁴ The court, through the *Bostock* opinion, has now confirmed that the basis of sex also provides protections for homosexual and transgender employees.³⁵ Commissioner Thunder went on to state that the *Bostock* definition of sex may, and should, be applied to the North Dakota Human Rights Act, as amended, and the Housing Discrimination Act, as amended.³⁶

Barry Nelson of the North Dakota Human Rights Coalition stated, “since the *Bostock* decision speaks to employment and not specifically to housing, . . . the North Dakota legislature should move to amend the Human Rights Act to include LGBTQ protections.”³⁷ Panelist Cody Schuler, Executive Director of the Fargo-Moorhead Coalition to End Homelessness, agreed explaining that the lack of protection for the LGBTQ+ community is one of the underlying causes of homelessness, especially for young people.³⁸

³² Michelle Rydz, High Plains Fair Housing Center, *Housing Discrimination in the Transgender and Gender Non-Conforming Community in North Dakota*, https://www.highplainsfhc.org/uploads/1/2/3/9/123997003/hpfhc_annual_report_2018.pdf (2018).

³³ 140 S. Ct. 1731 (2020).

³⁴ See generally *Bostock v. Clayton Cty.*, 140 S. Ct. 1731 (2020).

³⁵ *Id.*

³⁶ Martin, Briefing Transcript, July 14, 2020, p. 6, 8.

³⁷ Barry Nelson, Briefing Transcript, July 14, 2020, p. 11.

³⁸ Schuler, Briefing Transcript, July 21, 2020, p. 9.

3. *Disability Discrimination*

Kelly Gorz, Associate Director of High Plains Fair Housing Center, the only Federal Housing Initiative Program in the state, spoke about discrimination on the basis of disability and noted that in the last three years calls to the intake line of High Plains Fair Housing Center with claims of disability discrimination made-up between 50-70 percent of all calls received.³⁹ There are three affirmative protections under the Fair Housing Act for individuals with disabilities: (1) housing providers must make reasonable accommodations to their rules, policies, practices, and services necessary for people with disabilities to equally enjoy the property; (2) housing providers must allow residents with disabilities, at the residents' expense, to make reasonable modifications to physical structures necessary in order for them to use and enjoy the property; and (3) multi-family buildings built after 1991 should be accessible, as described in the Fair Housing Act design manual.⁴⁰

Gorz further stated that High Plains Fair Housing Center conducted a series of fair housing tests to identify barriers to housing for persons with disabilities. The tests consisted of matched-paired tests (one tester sought an apartment for a family member with a disability and one control tester without a disability). The study found that 23 percent of protected testers experienced steering to less desirable units or buildings with a lower rent even though the tester provided guidance on what the person with the disability could afford. Findings also showed that 16 percent of the protected testers were told that they did not have availability in the buildings that they inquired about, whereas the matched control testers were told there was availability. Five percent of the protected testers were asked intrusive questions. When testing for the affirmative right of a reasonable accommodation, 40 percent of testers who inquired about an emotional support animal were given overly restrictive requirements. Restrictive requirements included: providing DNA and a picture of the animal, verification letters written only by doctors or only by North

³⁹ Gorz, Briefing Transcript, June 30, 2020, p. 9.

⁴⁰ U.S. Dep't of Housing & Urb. Dev., Fair Housing Act Design Manual, (Rev. Apr. 1998); High Plains Fair Housing Center, Rental Housing Discrimination on the Basis of Mental Disabilities in North Dakota, 5, https://www.highplainsfhc.org/uploads/1/2/3/9/123997003/hpfhc_mdstudy.nd.pdf.

Dakotan doctors, filling out an addendum, and the company sending forms to the tenant's doctor.⁴¹

4. *Housing Affordability and Homelessness*

Gorz also spoke about the results of North Dakota's Analysis of Impediments to Fair Housing (Analysis of Impediments) that indicated that there is insufficient access to affordable housing.⁴² She explained that although North Dakota has public assistance protections, because some landlords do not accept vouchers which makes finding affordable housing very difficult.⁴³ She noted that the Analysis of Impediments indicated that problems identified for rental housing disproportionately impacted renters from protected classes, including disability and race.⁴⁴ Gorz noted that another contributing factor in accessing affordable housing is the use of credit scores for screening applicants despite the fact that a low credit score is not a negative indicator for rent payment.⁴⁵

Schuler agreed with this assessment and added that evictions, poor credit, and lacking access to transportation can lead to homelessness.⁴⁶ Once homeless, there are major barriers to getting rehoused.⁴⁷ Schuler indicated that roughly 50 percent of the Fargo-Moorhead homeless population are people of color despite the Fargo-Moorhead population being 87 percent white."⁴⁸

Cheryl Kary, the Executive Director of Sacred Pipe Resource Center, spoke regarding barriers to finding housing in the state.⁴⁹ Sacred Pipe Resource Center is a Native-led nonprofit organization that serves American Indian populations in Bismarck, Mandan, and Lincoln.⁵⁰

⁴¹ High Plains Fair Housing Center, Rental Housing Discrimination on the Basis of Mental Disabilities in North Dakota, https://www.highplainsfhc.org/uploads/1/2/3/9/123997003/hpfhc_mdstudy.nd.pdf.

⁴² Gorz, Briefing Transcript, June 30, 2020, p. 9

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid at 11.

⁴⁶ Schuler, Briefing Transcript, July 21, 2020, p. 8

⁴⁷ Ibid.

⁴⁸ Ibid. at 7-8.

⁴⁹ Cheryl Kary, Briefing Transcript, July 21, 2020, p. 10.

⁵⁰ Ibid.

Sacred Pipe Resource Center surveyed the American-Indian population in those communities and noted that “about six percent of the population surveyed was homeless; of that, 52 percent of them said that they could not afford housing, which is the reason they were homeless.”⁵¹ Kary explained that one of the biggest barriers for those who are homeless is their access to justice and knowing where to report their problems or voice their concerns.⁵² Unfortunately, the lack of knowledge and education on where to find support seems to be deeply rooted as a fundamental barrier to fair housing.

5. *Lack of legal support, low damages, and limited access to judicial process*

Panelist Margaret Jackson discussed the need for more attorneys that focus on public interest law in North Dakota and that the current lack of legal support for complainants leads to low damages for victims of discrimination. Sometimes complaints are being resolved by paying \$500 or another minimal amount even for repeat offenders. This can make people apathetic to the complaint process and not feel it is worth it to seek justice. Low damages also do not incentivize property owners to change their policies or practices.⁵³

6. *Lack of Education, Knowledge, and the Language Barrier*

Language barriers as well as a lack of efforts made to educate marginalized communities about discrimination in housing against persons with disabilities, Native Americans, and immigrants exists in North Dakota.⁵⁴ Translation services, which are required, are not readily available to assist in further educating communities about their rights and how to file or address their complaints.⁵⁵

The need for general fair housing education is twofold, as it applies both for educating landlords on how they can be held accountable if they do not follow the Fair Housing Act and for the

⁵¹ Ibid. at 11.

⁵² Ibid. at 21.

⁵³ Margaret Jackson, Briefing Transcript, July 7, 2020.

⁵⁴ Margaret Jackson, Briefing Transcript, July 7, 2020, p. 6.

⁵⁵ Ibid. at 6-7

tenants, so they know their rights and how to exercise them. Jackson continued to explain how education is the key to effective enforcement asserting that it really comes down to enforcement, the need to enhance civil rights understanding and demonstrate to housing providers and housing consumers that bad actors will be held accountable for discriminatory practices.”⁵⁶

Similarly, Sara Pratt explained that there continues to be a disconnect on when landlords should act. Some landlords do not act in circumstances of neighbor-on-neighbor harassment, including sexual harassment, but they do intervene if there are noise complaints.⁵⁷ This is because there is a disconnect in the education and outreach by HUD that needs to specifically address a landlord’s role in all aspects of harassment.⁵⁸

7. *Limited Resources of North Dakota’s Federal Housing Assistance Program*

Professor Margaret Jackson argued that the North Dakota Department of Labor and Human Rights often lacks the resources to conduct proper investigations. Discrimination investigations by Federal Housing Assistance Program should be more robust and should include more than interviewing complainants and respondents.⁵⁹

Jackson further explained low fair housing remedies and general lack of fair housing knowledge could be tied to the lack of judicial precedent.⁶⁰ Because most fair housing complaints are resolved at the administrative level, they are not establishing judicial precedent that would inevitability garner greater public and legal recognition and greater damages.⁶¹

Jackson also emphasized increasing training for the staff of the North Dakota Department of Labor and Human Rights, by increasing their understanding of the components of the fair

⁵⁶ Ibid. at 11.

⁵⁷ Pratt, Briefing Transcript, July 7, 2020, p 10.

⁵⁸ Ibid.

⁵⁹ Jackson, Briefing Transcript, July 7, 2020, p. 9-10

⁶⁰ Ibid.

⁶¹ Ibid.

housing laws, and what they're intending to remedy and why higher remedies can deter future instances of discrimination.⁶²

This will lead to a greater understanding of what they are trying to remedy and therefore increase the damage amounts, which is a key component of enforcement and making the law work. Since there are few fair housing cases that are found to have reasonable cause, there are few cases that reach the Attorney General's office.⁶³ Therefore, there is an overall lack of understanding of the Fair Housing Act at the Attorney General's office. Enhancing the training of the North Dakota Attorney General Staff lawyers will have a profound effect on the enforcement of the Fair Housing Act in North Dakota.⁶⁴

IV. Findings and Recommendations

The North Dakota Advisory Committee heard testimony that current access to fair housing may disproportionately affect residents on the basis of race, color, sex, age, disability, and national origin. In addition, the Committee heard concerns regarding the need to find reasonable ways to promote fair housing at the local, state, and federal levels.

Below, the Committee offers to the Commission a summary of concerns identified throughout the Committee's inquiry. Following these findings, the Committee proposes for the Commission's consideration several recommendations that apply both to the State of North Dakota and to the nation as a whole.

Legislative Action, Complaint Resolution, Enforcement

- Penalties for housing discrimination must be severe enough to command the attention of landlords. Punishment of violators will deter repeat offenders and also warn other landlords about the consequences of noncompliance.

⁶² Ibid.

⁶³ Ibid. at 10.

⁶⁴ Ibid.

- All new buildings should be accessible including having doors that have power opening capabilities, and all buildings should eventually be modified to meet this standard.
- The North Dakota Department of Labor and Human Rights is charged with investigating complaints of discrimination in the areas of housing, employment, and public accommodations, as well as with increasing public awareness and conducting training around these issues. In order to carry out these charges, the department should have additional funding to support the hiring of more investigators and outreach staff.
- North Dakota Century Code 47-16-07 should be amended to remove the ability to charge individuals convicted of a felony offense up to two months' rent as a security deposit.
- North Dakota Human Rights law should be expanded to include fair housing protections for veterans and the LGBTQ community.
- State and federal legislation is needed to make the Affirmatively Furthering Fair Housing tool, the equal access and the disparate impact rules permanent. So that they are codified in law and not able to be removed when new administrations take office.

Affordability

- There should be increased investment in affordable and accessible housing that is integrated with the general North Dakota community to provide equal opportunity for all North Dakotans including refugees, immigrants, and people with disabilities.
- The State of North Dakota should provide available funds for low interest loans and grants to property managers and developers to maintain and keep older housing stock. Housing with "housing problems" disproportionately impacts people from protected classes.

Education and Training

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- North Dakota should establish a statewide rental registry or licensure that would facilitate fair housing outreach and education for landlords. This registry should include large and small landlords and should identify if/when they have had fair housing training.
 - Increased education about fair housing rights at all levels is essential. The Committee recommends that the North Dakota Department of Public Instruction partner with nonprofit organizations to adapt current education programs to include civil rights curriculum starting in early childhood education and continuing into middle and secondary school.
 - The State of North Dakota should set aside funds to incentivize the University of North Dakota's School of Law to enhance their civil rights and fair housing curriculum. This will help develop civil rights attorneys that might increase damages to plaintiffs who bring fair housing complaints.
 - The State of North Dakota should partner with non-profits and tribal leaders to provide comprehensive fair housing training to the community. Violations of housing laws will not be resolved if tenants do not know their rights and landlords do not understand their responsibilities under fair housing laws.
 - There needs to be more funding available to nonprofit organizations to help individuals transition from incarceration to transitional housing that provides support, training, and adequate services to these individuals as they attempt to procure permanent housing.