

Appendix C: 2015-2020 Analysis of Impediments Public Comments and Agency Responses

The drafts of the 2015-2020 Consolidated Plan, 2015 Annual Action Plan, and the 2015-2020 Analysis of Impediments to Fair Housing were made available on July 13, 2015 for a 30 day public comment period ending August 12, 2015. Once the public comment period ended a record of the public hearing transcript was made available at the website below. These comments are considered and responses provided in Appendix C of this document.

After the release of the draft Consolidated Plan documents specifically the *2015-2020 Montana Consolidated Plan for Housing and Community Development*, *2015 Annual Action Plan*, and *the 2015-2020 Analysis of Impediments to Fair Housing* Commerce received public comments beginning July 13, 2015 for a 30 day public comment period ending August 12, 2015. All comments received were recorded in this appendix and responses provided before final submission to HUD. This appendix is made available at the website below.

<http://housingcdd.mt.gov/CP/cpdocuments.mcp>

Summary of Comments Received on the 2015-2020 Analysis of Impediments

Montana Fair Housing (MFH)

Pam Bean, Director

Comment:

1. MFH encourages Commerce to proof carefully.

Agency Response:

Thank you for the comment. The final version of the Analysis of Impediments has corrected grammatical and formatting issues.

Comment:

2. MFH participated in significant ways in the following fair housing cases: US vs. Tamarack, et. al.; MFH vs. Jim and Julie Betty; and MFH vs. Jaclyn Katz and ARESM.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana has been updated to include the additional information about significant ways in which MFH has promoted compliance by participating in the legal process to bring awareness to the issue of discriminatory housing practices.

Comment:

3. MFH received a Fair Housing award of \$205,838 for each year: 2015, 2016, & 2017.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana has been updated to include the additional information.

Comment:

4. MFH has a new physical and mailing address: 501 E. Front St, Ste. 504, Butte MT 59701.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana has been updated to include the additional information.

Comment

5. MFH contends that the State fails to understand HUD's intent to correct systemic actions that perpetuate discrimination and that the State's policies and practices also perpetuate discrimination.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana establishes goals and objectives intended to correct barriers to fair housing choice. One of the State's goals is to increase coordination and collaboration with all interested parties. With this goal in mind, the State encourages communication that will provide greater detail as to specific State policies, goals, or objectives that are a concern in order for these to be discussed in the future.

Comment

6. MFH works with State departments, providing training to further Fair Housing, but contends that actions on the part of state agencies have conflicted with MFH events; the Board of Realty Regulation refuses to approve credits for the MFH annual conference; and State agencies will not reimburse travel costs for MFH presentations at State events.

Agency Response:

Thank you for the comment. The State of Montana considers MFH a strong partner in promoting Fair Housing and providing Fair Housing training and will consider these comments as opportunities arise and through the State's goal of increasing coordination and collaboration with all interested parties.

Comment:

7. The State, by encouraging the establishment of local fair Housing offices, may divert sources away from enforcement activities despite current threats to fair housing funds and in so doing, may create conflicts of interest and a limited ability to address systemic violations.

Agency Response:

Thank you for the comment. The State is unaware of any instances where it has encouraged the establishment of local fair housing offices. Additionally, the Analysis of Impediments to Fair Housing Choice in Montana Action 1.1 discussed working with fair housing organizations as part of the fair housing infrastructure. This Action item has been updated to clarify Action 1.1.

Comment

8. MFH contends that the State's method focuses almost solely on outreach and education, but should address and correct systemic violations to Affirmatively Further Fair Housing Policies and procedures should be evaluated.

Agency Response:

Thank you for the comment. The State's efforts to educate the public and housing stakeholders are an effort to prevent housing discrimination before it happens. Additionally, the Analysis of Impediments to Fair Housing Choice in Montana included an objective to establish qualitative and quantitative analysis. Without greater detail on the 'systemic violations', it is difficult to determine what policies and procedures are problematic. The State has also established goals and objectives intended to correct barriers to fair housing choice. One of the State's goals is to increase coordination and collaboration with all interested parties. With this goal in mind, the State encourages communication that will provide

greater detail as to specific State policies, goals, or objectives that are a concern in order for these to be discussed in the future.

AWARE

Michael O'Neill, Program Officer

Comment:

1. A number of tables in the Analysis of Impediments online have data that is illegible.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana has been updated to remedy this comment.

Comment

2. AWARE has reports of landlords putting the responsibility for disability accommodation on the tenant with the disabling condition. Is there a section in the AI on issue of reasonable accommodations and reasonable modifications for people with disabilities, particularly with therapeutic animals and support animals?

Agency Response:

Thank you for the comment. The failure by property owners and managers to provide reasonable accommodations is discussed throughout the Analysis of Impediments, and is identified as one of the primary impediments to Fair Housing choice. While a specific discussion on therapeutic animals or support animals was not included as part of the Analysis of Impediments to Fair Housing Choice in Montana document, the State has established goals and objectives intended to correct barriers to fair housing choice through increased coordination and collaboration with all interested parties. With this goal in mind, the State encourages communication that will impact data and information as the goals and objectives are implemented in the future.

District XI Human Resource Council (Dist. XI HRC)

Jim Morton, Executive Director

Comment:

1. Did the State include any reference to disparate impact, such as the kinds of impact that some property managers have had on applicants using different pieces of information like credit scores, which then sometimes eliminates people of lower income status, persons with a disability, or minorities?

Agency Response:

Thank you for the comment. The potentially disparate impact to minorities and women from the use of a person's credit score as a measure of lending risk is discussed. The Analysis of Impediments to Fair Housing Choice in Montana included an objective to establish qualitative and quantitative analysis as well as increased coordination and collaboration with all interested parties. With these goals in mind, the State encourages communication that will impact the implementation of the goals and objectives established by the State.

Comment:

2. Dist. XI HRC requests the Department provide educational opportunities about disparate impact.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana included a goal to support and conduct fair Housing education and training opportunities. The State will consider these comments as opportunities arise and information specific to disparate impact becomes available.

North Central Independent Living Services (NCILS)
Shyla Patera, Specialist

Comment:

1. NCILS encourages Commerce to include policies that combat housing discrimination.

Agency Response:

Thank you for the comment. The Analysis of Impediments to Fair Housing Choice in Montana included an objective to establish qualitative and quantitative analysis as well as increased coordination and collaboration with all interested parties. With these goals in mind, the State encourages communication that will impact the implementation of the goals and objectives established by the State.

Anders Lewendal Construction, Inc.
Anders Lewendal, Owner

Comment:

[Mr. Lewendal] requests discussion about the costs of land, materials, building codes, planning rules and regulations, impact fees, financing barriers, and other issues to bringing project to market.

Agency Response:

Thank you for the comment. Although the comment did not provide specific information, a discussion about the costs of land, materials, labor, building codes, city planning rules and regulations, impact fees, and financing barriers has been added to the Analysis of Impediments to Fair Housing Choice and the Consolidated Plan.