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## GENERAL NEWS

### DOJ Settles Disability Discrimination Suit against ND Housing Developers

In a [press release](#) yesterday, the Department of Justice ([DOJ](#)) announced that it has reached an agreement to resolve a lawsuit alleging that North Dakota housing developers violated the [Fair Housing Act](#) and the [Americans with Disabilities Act](#) by failing to design and construct multifamily residential properties and a rental office with accessible features for people with disabilities. The Department previously resolved claims against the architect and engineer involved in the design of one of the four apartment complexes at issue in the lawsuit.

The settlement, which must be approved by the U.S. District Court for the District of North Dakota, resolves a lawsuit the Department filed in March 2020 alleging that significant physical accessibility barriers existed at four apartment complexes and a rental office designed and constructed by several companies and individuals.

Under the terms of the settlement, the defendants must correct inaccessible features in the common areas of the properties and within the individual units, including removing steps, replacing steeply-sloped walkways, adding accessible routes to mailboxes and site arrival points, ensuring that obstacles do not protrude into the circulation path, installing lever handles on doors, widening doorways, retrofitting bathrooms so they are accessible for wheelchair users, and relocating outlets and controls to within a wheelchair user's reach range. The defendants must also attend fair housing training, contribute \$100,000 to a settlement fund (which, combined with the department's earlier settlement with the architect and engineer, brings the settlement fund total to \$120,000) for people who suffered harm due to the lack of accessible features at the properties, pay a civil penalty of \$5,000 to the United States, and ensure that any future housing they design or construct complies with the FHA.

The Fair Housing Act prohibits discrimination on the basis of disability. The Act also requires housing built after March 1991 to contain accessible features for persons with disabilities, including accessible routes without steps to all single-story, ground-floor units and to all units in a building served by an elevator. Failure to meet these standards it is considered unlawful discrimination. Likewise, the ADA protects individuals with disabilities from discrimination in public accommodations, including the rental office at issue in this case.



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