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# **News Release**

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## **Moorhead landlord charged with violating the Fair Housing Act**

Two North Dakota corporations that own and operate a Moorhead-based apartment complex have been charged with violating the Fair Housing Act. The civil lawsuit, commenced by the United States, alleges that Van Raden Homes, Inc., and Van Raden Properties, Inc., violated the Act when it denied an apartment to a prospective tenant because he wanted a service animal to reside with him..

On Oct. 29, 2008, the U.S. filed suit against the two corporations, based in Fargo, N.D., which owns and operate the Elm Street Apartments in Moorhead.

The U.S. alleges that in January 2007 the prospective tenant responded to an advertisement for the apartment, and was rejected because he wanted his service animal to live with him. During the telephone conversation, the representative of Van Raden said the company policy prohibited dogs of his dog's breed and dogs weighing more than 40 pounds. The prospective tenant said that he had specified that his dog was a service animal, which weighed only 35 pounds.

The prospective tenant filed a complaint with Fair Housing of the Dakotas (FHD), a private non-profit organization that serves North and South Dakota and the surrounding areas, including Moorhead. FHD conducted two rental tests on Jan. 17, 2007.

When the first tester telephoned about the Moorhead apartment, she was rejected because she said she had a disabled son who had a therapy dog, a black lab, which would live with her. The Van Raden representative said that breed of dog was unacceptable, and directed the tester to the Humane Society for a list of landlords that allowed pets. The second tester, posing as a mother with a child, was told no pets were allowed in the building, but was given information about rental terms, utilities, amenities, background checks and credit policies.

In April 2002, the defendants implemented a written policy on service animals outlining several requirements, and required all rental applicants to be provided with a copy. According to

the policy, dogs with an adult weight of under 40 pounds are “preferred,” and several full- and mixed-breeds are banned. The policy also required that renters with service animals provide proof of renter’s liability insurance in the amount of \$100,000.

On June 12, 2007, FHD filed a complaint with the U.S. Department of Housing and Urban Development (HUD), alleging that one of its testers was denied the opportunity to view or rent the apartment based on the defendants’ service animal policy; that the tester was denied a reasonable accommodation to the policy; and that the landlords’ actions expressed a discriminatory preference against renters with disabilities who use service animals.

On Sept. 9, 2008, HUD issued a charge of discrimination against defendants, charging them with engaging in discrimination in violation of the Fair Housing Act.

The Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, familial status, national origin and disability. Fighting illegal housing discrimination is a top priority of the U.S. Justice Department (DOJ). Individuals who believe that they may have been victims of housing discrimination can call the Housing Discrimination Tip Line (1-800-896-7793), e-mail DOJ at [fairhousing@usdoj.gov](mailto:fairhousing@usdoj.gov), or contact HUD at 1-800-669-9777.

Assistant U.S. Attorney Mary Trippler represents the U.S. in this lawsuit.