Shakopee Fair Housing Frequently Asked Questions (FAQ)

What housing is covered by the Fair Housing Policy?

Fair housing covers most housing. In some circumstances, fair housing laws exempt owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker and housing operated by organizations and private clubs that limit occupancy to members.

What is a protected class?

A protected class is a group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic. In Minnesota, these protected classes are as follows:

- Race
- Color
- Religion
- Sex
- National Origin
- Disability
- Familial Status
- Sexual Orientation
- Marital Status
- Status Regarding Public Assistance

If a protected class is the basis for differential treatment, and it is covered in the Minnesota Human Rights Act, a person can file a charge with the Minnesota Department of Human Rights (MDHR). You do not have to be a "certain race" or a "certain sex" in order to file a charge.

What actions are prohibited under the Fair Housing Act?

In the sale or rental of housing, no one may take any of the following actions:

- Refuse to rent or sell housing,
- Refuse to negotiate for housing,
- Make housing unavailable,
- Deny a dwelling,
- Set different terms, conditions or privileges for sale or rental of a dwelling,
- Provide different housing services or facilities,
- Falsely deny that housing is available for inspection, sale or rental,
- For profit, persuade owners to sell or rent (blockbusting), or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In mortgage lending, no one may take any of the following actions:

- Refuse to make a mortgage loan,

- Refuse to provide information regarding loans,
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees,
- Discriminate in appraising property,
- Refuse to purchase a loan, or
- Set different terms or conditions for purchasing a loan.

In addition, it is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right.
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status or handicap (disability). This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

Additional protections for persons with a disability.

If you or someone associated with you:

- Have a physical or mental disability (including hearing, mobility and visual impairments, cancer, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities
- Have a record of such a disability or
- Are regarded as having such a disability,

your landlord may not:

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing

Who do I file a complaint with?

While the City of Shakopee offers initial assistance with residents in information, formal complaints need to be filed with the Minnesota Department of Human Rights(MDHR). This is the organization which handles intake, processing and ultimately a final decision on all Fair Housing complaints within Minnesota outside of Minneapolis and St. Paul.

What is the statute of limitation (SOL) for filing a charge?

The statute of limitation for filing a charge under the *Minnesota Human Rights Act* is one year from the date of the incident. Tolling for the one-year limit is suspended during alternative dispute resolution.

Do I need an attorney to file a charge with the department?

You do not need to have an attorney. However, you may choose to hire an attorney at any time during the process.

What happens when I call the Department to start a complaint?

You will be able to speak with a department investigator, who can determine whether you have a valid complaint under the Minnesota Human Rights Act for which a charge may be written for you.

What is the cost of filing a charge?

There is no cost to the charging party (the person filing the charge).

Do I need to make an appointment to see an MDHR enforcement officer?

No. The MDHR's accept walk-ins from 8:00 AM to 4:30 PM, Monday through Friday. We do most of our initial work over the phone, so a person does not have to make a trip to our offices. The phone line for talking to our staff about discrimination complaints is open from 8:00 AM to 4:30 PM, Monday through Friday.

How does the MDHR's complaint process work?

The basic steps in the department's complaint process are as follows:

Intake

1. Charging party discusses his or her situation with an MDHR enforcement officer or his or her attorney. NOTE: there is a one-year time limit for filing a charge with the MDHR.

2. If the complaint is covered by the Minnesota Human Rights Act, the MDHR files a charge. (If the complaint is not covered, there is no filing.)

3. The charge is sent to the respondent.

4. The parties may be contacted by the Department to schedule voluntary mediation. (More information about the Department's mediation program is available here.) If there is no settlement through the mediation process, the charge proceeds to investigation.

Investigation & Determination

1. MDHR conducts a neutral investigation of the charge(s).

2. MDHR makes a determination on the charge(s): Probable Cause or No Probable Cause. Either party has the option of appealing a determination.

View the MDHR Complaint Handling Process Chart here

How long does the process take?

The department has one year to make a determination. The one-year time limit can be suspended if parties are participating in alternative dispute resolution sanctioned by the commissioner.

I received an invitation to participate in mediation. Am I required to participate in this process?

No, mediation is voluntary. There is no cost to either party for the mediation. If there is no settlement through mediation, the charge of discrimination is referred to investigation and processed like any other charge filed with the Department.

What is mediation?

Mediation is a confidential dispute resolution process in which a trained neutral mediator assists the charging party and respondent to resolve claims of discrimination without assigning fault or blame to either party. All information shared during a mediation session is regarded as confidential and cannot be revealed to anyone outside the mediation session, including the department. You can find more information about our mediation program here.

What happens if the department makes a probable cause finding?

The department will attempt to settle the matter through conciliation. If the parties are not able to agree on a settlement, the Attorney General's Office may argue the case in front of an administrative law judge.

I received a dismissal letter from the Commissioner. I am not happy with the outcome of my case. What can I do?

You may appeal a No Probable Cause determination or request reconsideration of a dismissal decision. If you decide to appeal, you must do so in writing within ten (10) calendar days of receiving a notice of No Probable Cause or dismissal from our agency.