

CITY OF BILLINGS

CITY COUNCIL SPECIAL WORK SESSION SUMMARY

September 17, 2026 – 1:00 PM
Council Chambers – City Hall, 316 N. 26th St., Billings, Montana

Council Present

Mayor Nelson
Councilmember Neese

Staff Present

Kevin Iffland, Interim City Administrator
Wyeth Friday, Planning and Community Services Director
Brenda Beckett, Community Services Manager

PUBLIC COMMENT (Agenda Items)

- Patty Webster, HomeFront/Housing Authority of Billings, expressed appreciation to the City for providing fair housing training and emphasized the importance of the topic for local decision-makers.

1. FAIR HOUSING

James White of Balanced Housing Solutions presented a four-part fair housing training focused on the history and development of fair housing law, the legal responsibilities of local governments, municipal case examples, and practical application to local decision-making. White explained that his background includes service with the U.S. Department of Housing and Urban Development in Region VIII and work in fair housing, civil rights, affordable housing, and municipal policy. He framed fair housing as a question of housing choice and emphasized that local governments may affect housing opportunity even when they do not directly own, rent, or sell housing.

White reviewed the historical development of property and civil rights protections, including the Civil Rights Act of 1866, the Fourteenth Amendment, and the Fair Housing Act of 1968. He explained that the Fair Housing Act was intended to reach both overt discrimination and more subtle policies or practices that may make housing unavailable or otherwise limit housing choice. The discussion included the Act's protected classes—race, color, national origin, religion, sex, familial status, and disability—and the relationship between federal protections, the Montana Human Rights Act, the Montana Constitution, and other nondiscrimination requirements that may apply to federally funded programs.

The training emphasized that municipal liability can arise from zoning, land-use decisions, permitting, funding, public services, program administration, and other actions that affect where housing may be built or who may access it. White

distinguished between facially discriminatory rules, intentional discrimination shown through direct or circumstantial evidence, and facially neutral policies that may have discriminatory effects. He noted that courts may look at the historical background of a decision, the sequence of events, departures from normal procedures or standards, contemporaneous statements, comparative treatment of similar applicants, and the overall administrative record when evaluating why a governmental decision was made.

White discussed the importance of a complete and objective decision-making record. He encouraged Council and staff to document the facts considered, the applicable rules and criteria, legitimate governmental interests, staff recommendations, public input, comparable cases, and the reasons supporting the final decision. He stated that traditional local concerns such as traffic, infrastructure, parking, density, neighborhood planning, fiscal impacts, and compliance with adopted standards remain legitimate considerations when they are applied consistently and supported by the record. The goal is not to require approval of every housing proposal, but to ensure decisions are based on objective criteria rather than protected characteristics or unsupported assumptions.

Disability protections and reasonable accommodations were also reviewed in detail. White explained that treating everyone identically is not always the same as providing equal opportunity. A reasonable accommodation may be necessary when a neutral rule, policy, practice, or service creates a disability-related barrier. He discussed group homes and other residential uses as examples and cautioned against imposing additional conditions based on stereotypes or generalized safety concerns when comparable uses are not subject to the same requirements. At the same time, he noted that neutral public-hearing and special-use processes may remain valid when applied consistently and when an accommodation is not shown to be necessary.

White reviewed municipal case examples involving zoning and land-use regulations, including a Montana/Bozeman case involving assisted-living and elderly-care facilities. The examples illustrated how ordinance language, comparable treatment of uses, public statements, and the record supporting the ordinance can affect a fair housing analysis. Other cases addressed multifamily development, group homes, special-use requirements, and the circumstances under which public entities may be challenged for decisions that allegedly restrict housing opportunity.

The presentation also addressed accessibility requirements for multifamily housing and the relationship between the Fair Housing Act, the Americans with Disabilities Act, Section 504 requirements for federally assisted programs, and local building processes. White noted that even when a municipality is not the party directly responsible for a private developer's compliance, accessibility problems and resulting litigation can create significant costs, delays, and practical impacts for housing development within the community.

Public participation was discussed as an important part of local government decision-making. White noted that residents may raise legitimate concerns regarding issues such as parking, design, setbacks, traffic, density, drainage, infrastructure, and neighborhood impacts. He cautioned, however, that comments based on the identity or perceived

characteristics of future residents can create fair housing concerns. Council and staff should evaluate whether public comments relate to the actual criteria before the decision-maker and should rely on objective facts, adopted standards, and consistent processes rather than incorporating bias or unsupported assumptions into the governmental decision.

In the final portion of the training, White summarized best practices for reducing fair housing risk while preserving local decision-making authority. He recommended identifying potential fair housing issues early; applying rules, standards, and procedures consistently; understanding who benefits from or is excluded by a decision; considering whether added conditions or requirements differ from those imposed on comparable projects; and maintaining records that clearly explain the basis for the decision. He also discussed federally funded housing and community-development programs, noting that fair housing considerations are intertwined with program design, outreach, accessibility, grant administration, monitoring, and evaluation of who is served.

Council Discussion.

Councilmember Neese and Mayor Nelson discussed the practical difficulty of evaluating new conditions or requirements that are proposed shortly before or during a meeting. Discussion focused on the importance of having enough time and information to understand the effect of a proposed condition, whether it is required by an existing program or ordinance, how it compares with the treatment of similar projects, and whether it could create an unnecessary barrier or additional legal risk. White agreed that additional conditions can create concerns when they represent a departure from established procedures or are not supported by objective information.

Council also discussed ways to “set the table” before considering housing-related items so decision-makers understand the applicable program requirements, protected-class considerations, and consequences of proposed conditions. White emphasized that better-informed decision-making generally produces a stronger record and reduces risk. He encouraged Councilmembers to focus on the stated criteria, supporting facts, consistency with prior practice, and the reason for any departure or added requirement.

Mayor Nelson stated that the training provided useful terminology and concepts that can be applied to future Council decisions. He noted the value of the recorded training for Councilmembers who were not present and thanked White for the presentation and discussion. No formal action was taken.

PUBLIC COMMENT (Non-Agenda Items)

No additional public comment.

Adjourn: 4:40 P.M.