



Housing



Center

Summer 2008

News

Housing Center Reaches Agreement With Cleveland-Area Architect, Developer, and Engineer

Warrensville Heights Housing to Be Retrofitted to Allow Increased Access for Disabled Tenants

The Housing Center has reached an agreement with the owner, architect, and engineer of Newport Square, a Warrensville Heights, Ohio housing complex for senior citizens, that will result in retrofitting to allow increased access for disabled tenants.

Executive Director of the Housing Center, Jeffrey Dillman, stated, "We are pleased with the outcome of this agreement, which will help to make multifamily housing accessible to people with disabilities."

The parties to the agreement include the owner and developer of Newport Square (Newport Square Ltd.); the architect (G. Herschman Architects, Inc.); and the engineering firm (Chagrin Valley Engineering, Ltd.) who participated in designing the housing complex.

Under the terms of the agreement, which resolves a dispute between the parties, a number of changes will be made to Newport Square so that it will be more accessible to individuals with disabilities. The changes include installing ramps, curb cuts, and additional sidewalks; reconfiguring mailboxes; modifying interior bedroom doors; and making certain modifications to the bathrooms.

Newport Square also agreed to include additional "super-accessible" features in future construction they may undertake in Cuyahoga County. These features go beyond current state and federal requirements and would allow disabled individuals even greater access in the future.

Cheryl Williams, a resident of Newport Square, was happy with the agreement, and noted that the changes will help her disabled husband, who uses a wheelchair.

The federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, familial status, national origin, and disability. Under the Act, certain types of housing with four or more units that are built after March 13, 1991, must include accessible common and public use areas. In addition, the ground-floor units in non-elevator buildings in such housing must include accessible routes into and through the dwelling, doors wide enough to accommodate persons who use wheelchairs, outlets and environmental controls at accessible heights, bathroom walls that have reinforcements for the installation of grab bars, as well as bathrooms and kitchens that are large enough for people who use wheelchairs to maneuver within them. In buildings with elevators, all of the units must contain these features.

NEW STRATEGIES IN FAIR HOUSING CONFERENCE COMING IN NOVEMBER 2008!

In celebration of the 40th Anniversary of the Fair Housing Act passed in 1968, the Housing Center will host the New Strategies in Fair Housing Conference on Friday, November 14. The conference, to be held at the Crowne Plaza Cleveland City Centre, will examine where we are in the fight for fair housing and what steps must be taken to finally reach equality in housing. The keynote address will be delivered by Robert Schwemm, Ashland Professor of Law at the University of Kentucky School of Law. Look for the save the date card and conference brochure in the upcoming weeks.

Ohio's Fair Housing News

Jury Finds Racism Denied Columbus Residents Public Water Service

Residents of a close-knit, mostly black Ohio neighborhood that went almost 50 years without public water were awarded nearly \$11 million by a federal jury that agreed they were denied service because of their race.

The jury found that the City of Zanesville, Muskingham County, and the Eastern Muskingham Water Authority violated federal and state fair housing and civil rights laws by not extending waterlines to Coal Run until 2004. Surrounding white residents had public water, but not Coal Run residents. Black residents previously trucked in water to cisterns because wells in the area were contaminated with sulfur from abandoned coal mine shafts. The ditches along the road still run red with mine runoff.

After a seven-week trial in U.S. District Court in Columbus and two weeks of deliberations, jurors awarded damages of \$15,000 to \$300,000 each to current and former residents. The money was intended to cover both their monetary losses and their pain and suffering between 1956, when water lines were first laid in the area, and 2003, when Coal Run got public water. The plaintiffs' attorneys painted a picture of a community with a history of segregation where the Klu Klux Klan had rallied as recently as 1999.

Zanesville, roughly 50 miles east of Columbus, is a city of about 25,000 on the edge of the state's Appalachian region. One in every five families is below the federal poverty level and the unemployment rate in the surrounding county in May was 7.4 percent, well above Ohio's already high rate of 6.3 percent. The national unemployment rate that month was 5.5.

Ohio Supreme Court Rules Landlord Not Liable for Tenant Racial Harrassment

Traditionally, federal and state courts have applied principles of employment law in establishing court precedents in housing discrimination law. However, in the case of Ohio Civil Rights Commission v. Akron Metropolitan Housing Authority, a unanimous Ohio Supreme Court held that a landlord who failed to intervene in a racial dispute between two tenants is *not* liable for creating a hostile environment. The Court ruled that while state law prohibits landlords from

creating a hostile housing environment through their own harassment, the law does not apply when the harassing conduct is done by others.

The case involved families who lived in neighboring apartments at a public housing development in Akron, managed by June Davidson. Fontella Harper, who is black, accused Davidson of failing to take action against another tenant whose daughter was making racially derogatory comments for more than a year toward Harper and her family.

The court emphasized that the landlord does not have the same degree of control over a tenant that an employer has over an employee. Chief Justice Thomas J. Moyer in writing the court's opinion noted that landlords have the power to evict tenants. "The power of eviction alone, however, is insufficient to hold a landlord liable for his tenant's tortious actions against another tenant." The court's decision reversed an earlier ruling by the 9th District Court of Appeals, which said "tenant versus tenant harassment is analogous to co-worker harassment in the workplace."

Governor Ted Strickland signs legislation limiting interest rates on payday loans

Governor Ted Strickland signed a measure capping payday lending rates at 28 percent. Payday lending stores sell short-term, high interest loans against a future paycheck. Under previous law, annual percentage rates averaged 391 percent. Gov. Strickland stated, "We will not tolerate individuals being exposed to exorbitant rates, which does contribute to the cycle of indebtedness." The legislation additionally extends the repayment period from 14 days to 31 days and reduces the maximum loan amount from \$800 to \$500. The Housing Center's March report co-authored with Policy Matters Ohio, *Continued Growth in Payday Lending* noted that payday lending has exploded in recent years from 107 stores in 1996 to more than 1,600 locations throughout Ohio in 2007. Several payday lenders, viewing the bill as a death warrant to the industry, have said they will close their doors, while others vow to mount a repeal drive with petition signatures and TV and radio ads. Speaking about the loss of an estimated 6,000 jobs, Ohio Senate President Bill Harris said, "We want to replace jobs that are taking advantage of people with jobs that help people."

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The Housing Center Board of Directors:

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Mission:

To eliminate housing discrimination and assure choice in Northeast Ohio by providing those at risk with effective information, intervention and advocacy.

Spotlight on HRAC

Carrie Pleasants, Director of Research & Investigations has been named Associate Director of the Housing Center. Carrie has been with the Center since 2000 and will continue to supervise all testing procedures and conduct research projects for the organization. Congratulations Carrie!



The Housing Center was recently recognized by the State of Ohio's Executive Department as a Pioneer in Fair Housing. This honor was bestowed on the day Governor Ted Strickland and Lieutenant Governor Lee Fisher designated April 2008 as Ohio Fair Housing Month.

The Housing Center welcomes our summer intern, Christine Kim. She will be a junior at Tufts University in Massachusetts. She plans to major in Community Health and English. Following her internship with the Housing Center, Christine will study in Bali, this fall.



The Housing Center was recently awarded a grant from the Catholic Campaign for Human Development to fund additional research on payday lending in Ohio. Jeff Dillman received the award at the CCHD recognition luncheon held on June 23rd.

Continued Fair Housing News from page 2

Ohio Court Rules Against Fair Housing Organizations

In June, the Ohio's Court of Appeals for the Ninth Appellate District, which covers Lorain, Medina, Summit, and Wayne counties, issued a decision that private non-profit fair housing organizations (such as the Housing Center) do not have standing to bring cases under Ohio's fair housing law. The court of appeals' decision, *FHAA v. Chance*, is contrary to 40 years of decisions interpreting the federal Fair Housing Act as allowing such cases to be brought by private non-profit fair housing organizations and could have a huge impact on the ability of such groups to help enforce fair housing laws in Ohio. In 1992, Ohio's fair housing statute was amended to be "substantially equivalent" to the federal Act. The court of appeals' decision has already put into jeopardy that finding: in July, the U.S. Department of Housing & Urban Development notified the Ohio Civil Rights Commission (OCRC) that it will no longer refer cases brought by private non-profit fair housing organizations in the affected counties to OCRC for investigation. In an attempt to overturn the *Chance* decision, the Housing Center joined a group of seven other fair housing organizations in an amicus brief to ask Ohio's Supreme Court to hear and overturn the court of appeals' decision.

HUD's Accessibility FIRST Conference

On June 11th, the Housing Center hosted the US Department of Housing and Urban Development's Accessibility FIRST conference at the Visiting Nurse Association. The training covered federal design and construction requirements, Ohio's building code requirements regarding accessible housing, and other laws impacting accessibility. Presenting the information were Carole Heyward, Clinical Professor of Law at Cleveland Marshall School of Law; Jan Sokolnicki, Senior Staff for the Ohio Board of Building Standards; and Jack Catlin, one of the trainers with Accessibility FIRST. There were 90 people in attendance. The conference was co-sponsored by the City of North Olmsted and the City of Shaker Heights.

**HOUSING
RESEARCH & ADVOCACY
CENTER**

A New Era of Housing Justice

3631 Perkins Avenue
Suite 3A-2
Cleveland, OH 44114
Phone: 216-361-9240
Fax: 216-426-1290

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**Check out
our Website!**

www.thehousingcenter.org



**Fair Housing Law for
Landlords**

**Thursday
August 28, 2008
6:30 p.m. – 8:30 p.m.**

**North Olmsted
Location TBD**

**Shaker Heights
Landlord/Tenant
Training Seminar
\$35**

**Saturday
September 13, 2008
8:45 a.m. – 4:00 p.m.**

**Shaker Community
Building
3450 Lee Road
Shaker Heights, OH
44120**

**New Strategies
for Fair Housing
Conference
Thursday**

**November 14, 2008
8:30 a.m. – 5:00 p.m.**

**Crowne Plaza Cleve-
land City Centre
777 St. Clair Avenue
Cleveland, OH 44114**

The Housing Center conducts a number of smaller fair housing trainings for landlords and realtors, as well as predatory lending seminars for consumers. For information about any of our events, please contact the Housing Center's Education & Outreach Coordinator, Darlene English, at 216-361-9240 or denglish@thehousingcenter.org.

Donations are a vital part of the Housing Center's operations and any amount is welcome. To make a donation, please mail this tear-off form with a check made a check payable to the Housing Center to: 3631 Perkins Avenue, Ste. 3A-2, Cleveland, Ohio 44114. Donations can also be made through Greater Cleveland Community Shares, www.communityshares.org.

Name: _____ Amount: _____

Organization: _____

Address: _____

City, State, Zip: _____

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