

The State of Fair Housing in Northeast Ohio

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Michael Lepley & Mandy Mehlman



About the Authors

MICHAEL LEPLEY is the Housing Research & Advocacy Center's Research Associate. He received his Master of Public Administration from the University of Pittsburgh's Graduate School of Public and International Affairs.

MANDY MEHLMAN is the Housing Research & Advocacy Center's Senior Research Associate. She joined the Housing Center's staff in 2011 and is the author of a number of reports on fair housing and related issues. She received her Master of Social Work from Washington University in St. Louis.

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About the Housing Research & Advocacy Center

The Housing Research & Advocacy Center (Housing Center) is a 501(c)(3) non-profit organization whose mission is to promote fair housing and diverse communities; and to work to eliminate housing discrimination in Northeast Ohio by providing effective research, education, and advocacy. The Housing Center works to achieve its mission through work in three primary areas: research and mapping; education and outreach; and enforcement of fair housing laws through testing, complaint investigation and resolution, and litigation. In addition to addressing traditional issues of housing discrimination and segregation, the Housing Center also provides research, education, and analysis of subprime and predatory lending practices and trends in the region.

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I. EXECUTIVE SUMMARY

Housing discrimination remains a problem in Northeast Ohio and in the United States. The level of discrimination that exists today, as well as the segregated housing patterns of our region, is a result of decades of official and unofficial policies of governments at all levels; of private businesses and associations; and of individual actions by homeowners, rental agents, and others. Without these actions we might face less segregation and discrimination as a society and less economic stratification due to the effect housing patterns have on one's life chances through access to quality schools, transportation, jobs, and a healthy environment.¹

This report is the Housing Center's tenth annual comprehensive survey of fair housing in Northeast Ohio.² The report finds that 47 years after the passage of the federal Fair Housing Act; which prohibits discrimination based on race, color, religion, sex, national origin, familial status, and disability; housing discrimination remains widespread in the region.

In 2014, there were 190 complaints of housing discrimination filed in Northeast Ohio with the U.S. Department of Housing and Urban Development (HUD). This number a slight decrease from the 199 complaints filed in 2013. It is higher than the average number of complaints filed in the last 25 years (134). The most common bases of discrimination alleged in complaints filed in 2010-2014 were disability (32.1%), familial status (27.9%), and race (18.1%).

Although the number of cases filed is significant, it is clear that it represents only a small fraction of the total number of instances of housing discrimination in the region. By examining moving patterns of different racial and ethnic groups and comparing this to discrimination rates found in a national study, the Housing Center estimates that there are annually at least 33,690 instances of housing discrimination in the region against African Americans, Hispanics/Latinos, and Asian Americans, and Pacific Islanders.

The level of housing segregation has remained consistent for African Americans since 1990, with the region being the fifth-most segregated area in the country in both 1990 and 2010.

Some local communities have taken steps to address housing discrimination by passing local fair housing legislation. In Ashtabula County 3 governments have passed fair housing ordinances, along with 37 in Cuyahoga County, 4 in Lake County, 9 in Lorain County, and 3 in Medina County. There are no local fair housing ordinances in Geauga County.

Although many of these statutes merely recodify federal and state law without offering additional protection to individuals, a number of the statutes also prohibit discrimination on other bases, providing protection to additional classes of people. The grounds protected by local ordinances (and the number of jurisdictions providing such protection) include age (23 ordinances), marital status (19), creed (18), sexual orientation (18), disabled veteran status and Vietnam veteran status (4), ethnic group (4), gender identity (12), military status (13), military discharge status (1), occupation (1), parental status (1), source of income (4), and association with a protected class (1).

¹ See Carr, James H. and Nandinee K. Kutty, eds., *Segregation: The Rising Costs for America* (New York: Routledge, 2008).

² For purposes of this report, we have examined a six-county region made up of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, and Medina Counties.

The Housing Center's recommendations are to:

1. Strengthen state and local fair housing laws by:
 - Prohibiting discrimination based on sexual orientation, gender identity, marital status, age, domestic violence, and source of income;
 - Adopting state and local visitability ordinances to expand access to housing for those with disabilities; and
 - Further amending Ohio fair housing law to ensure substantial equivalency to federal law.
2. Conform local ordinances to Ohio law and eliminate exemptions for small housing providers.
3. Review and revise local nuisance ordinances to ensure that they do not penalize victims of domestic violence, dating violence, stalking, and sexual assault.
4. Support statewide legislation to protect victims of domestic violence, dating violence, stalking, and sexual assault from housing discrimination.
5. Oppose Ohio Senate Bill 134 which limits damages, deters victims of housing discrimination from filing complaints, and exempts small housing providers from coverage.
6. Review restrictive language in group home zoning ordinances.
7. Research and utilize regional analysis of impediments to fair housing.
8. Vigorously enforce current fair housing laws. Include the use of systemic testing for discrimination to identify individuals who violate the law and to deter future violations.
9. Support and adequately fund the Consumer Financial Protection Bureau to protect the public from abusive and unfair financial products and services.
10. Implement comprehensive education efforts to ensure that housing providers, professionals, and individuals are aware of fair housing laws and the means available to enforce them.
11. Provide government incentives and other creative solutions to combat housing discrimination and racial and economic segregation.

II. FAIR HOUSING LAWS IN NORTHEAST OHIO

Fair housing laws exist to address the effects of housing discrimination in our society. Laws prohibiting discrimination in housing are found at the federal, state, and local level in some jurisdictions.³ Which law or laws apply in a given situation depend on where the property in question is located and where the alleged discriminatory act took place. Ohio law is generally broader than federal law, providing more protection to potential victims of discrimination. Some local laws provide even further protections within their communities than does Ohio law, while in other communities with local legislation Ohio law remains the broadest in terms of protection. Below is a brief summary of the federal, state, and local fair housing laws in Northeast Ohio.

A. Federal Law

1. The Federal Fair Housing Act

In 1968, Congress passed the federal Fair Housing Act (42 U.S.C. §3601, *et seq.*) to remedy the history of housing discrimination that existed throughout the country. The Fair Housing Act makes it unlawful, on account of one of the classes protected by the statute, to:

- Refuse to sell or rent a dwelling;⁴
- Refuse to negotiate for the sale or rental of a dwelling;
- Otherwise make unavailable or deny a dwelling;
- Discriminate in the terms, conditions, or privileges of the sale or rental of a dwelling;
- Discriminate in the provision of services or facilities in connection with a dwelling;
- Make discriminatory advertising or statements with respect to the sale or rental of a dwelling;
- Indicate any discriminatory preference or limitation with respect to the sale or rental of a dwelling;
- Misrepresent the availability of a dwelling;
- Engage in “blockbusting;”⁵
- Discriminate in the financing of residential real estate related transactions;
- Discriminate in the provision of brokerage services;
- Coerce, intimidate, threaten, or interfere with any person in the exercise of his or her rights under the Act or retaliate against an individual for exercising his or her rights under the Act.

The federal Fair Housing Act prohibits discrimination based on seven grounds: race, color, religion, national origin, sex, familial status, and handicap.⁶ “Familial status” is defined under the Fair Housing Act to mean one or more individuals under 18 years of age living with a parent, legal custodian, or the

³ In addition to federal, state, and local fair housing laws discussed below in this report, there are a number of other federal statutes that provide protection to individuals from discrimination in housing and mortgage lending. These statutes include: the Civil Rights Act of 1866 (42 U.S.C. §1981 and §1982), the Americans with Disabilities Act (ADA) (42 U.S.C. §1201, *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d, *et seq.*), the Equal Credit Opportunity Act (15 U.S.C. §1691, *et seq.*), and the Housing and Community Development Act (42 U.S.C. §1437, *et seq.*).

⁴ In certain circumstances, the owner of a single-family home may be exempt from coverage under the federal Fair Housing Act. In addition, under the “Mrs. Murphy” exemption, an owner-occupied complex of four or fewer units may be exempt from coverage. These exemptions do not exist under Ohio’s fair housing law.

⁵ “Blockbusting” refers to encouraging homeowners to sell their homes quickly (and often at below market rates) by creating a fear that members of a minority group are moving into the neighborhood.

⁶ In passing the Act in 1968, Congress prohibited discrimination based on race, color, religion, and national origin. (Civil Rights Act of 1968, Title VIII, Pub. L. No. 90-284.) Discrimination based on sex (including sexual harassment) was prohibited by a 1974 amendment. (Housing and Community Development Act of 1974, Pub. L. No. 93-383, §808.) In 1988, Congress amended the Act to include familial status and handicap as protected classes. (Fair Housing Amendments Act of 1988, Pub. L. No. 100-430.)

designee of such a parent or legal custodian. The provision also protects individuals in the process of securing legal custody of a minor and pregnant women. 42 U.S.C. §3602(k).

A “handicap or disability” is defined under the Fair Housing Act to include a physical or mental impairment which substantially limits one or more major life activity, a record of having such an impairment, or being regarded as having such an impairment. 42 U.S.C. §3602(h).

The Fair Housing Act can be enforced by the U.S. Department of Justice, the U.S. Department of Housing and Urban Development (HUD), and through private lawsuits brought by individuals or organizations that have experienced discrimination.

2. Challenges to the Fair Housing Act

An important tool for enforcing the federal Fair Housing Act, known as “Disparate Impact,” is currently under challenge in the Supreme Court. Disparate impact is a legal doctrine that holds that facially neutral practices and policies may violate the Fair Housing Act if they have an unjustified discriminatory effect on the basis of a protected class regardless of intent. The following is an example of the implementation of disparate impact theory from the National Fair Housing Alliance:

A city decides to prohibit all housing that would be affordable to working-class people, and that has the effect of excluding most or all people of color in that region. If that city cannot show a valid reason for its policy, or if a more fair and effective alternative is available, then the policy would have to be set aside under the disparate impact approach.⁷

The United States Supreme Court is currently considering if the text of the Fair Housing Act recognizes disparate impact claims in *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc.* In this case a Texas housing agency, using disparate impact theory, is accused of reinforcing residential segregation by concentrating affordable housing in primarily African American neighborhoods instead promoting integration by equally distributing affordable housing across the region. In January of 2015, the Court heard oral arguments and will issue a ruling later in 2015.⁸

Disparate impact is important for ensuring equal housing choice under the Fair Housing Act for members of protected classes because acts of housing discrimination in the modern era are rarely explicit, especially in cases involving lending, zoning and land use laws, and some real estate practices. Disparate impact has been held up in eleven federal appellate courts.⁹

B. State Law

1. Ohio Fair Housing Law

In Ohio, residential property is also covered by state law governing fair housing (Ohio Revised Code 4112.02(H)). The Ohio statute is broader than the federal Fair Housing Act in several important respects. First, Ohio law prohibits discrimination based on all of the classes protected by federal law (race, color, religion, national origin, sex, handicap, and familial status). It also prohibits discrimination based on two additional grounds: “ancestry,” a somewhat different and potentially broader category than “national

⁷ National Fair Housing Alliance, “Disparate Impact,” <http://www.nationalfairhousing.org/PublicPolicy/DisparateImpact/tabid/4264/Default.aspx> (Accessed April 2, 2015)

⁸ Supreme Court of the United States Blog, “Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc.,” <http://www.scotusblog.com/case-files/cases/texas-department-of-housing-and-community-affairs-v-the-inclusive-communities-project-inc/> (Accessed April 2, 2015).

⁹ Implementation of the Fair Housing Act’s Discriminatory Effects Standard; Final Rule, 78 Fed. Reg. 11460 (February 15, 2013).

origin,” and military status. Second, while federal law contains several provisions that exempt certain residential property from coverage, Ohio’s statute does not include these exemptions, making Ohio’s fair housing law applicable to almost all housing in the state.¹⁰

Although Ohio’s fair housing law is written in language nearly identical to the federal Fair Housing Act, a series of decisions by Ohio courts in 2007 and 2008 interpreted Ohio’s law to be inconsistent with the federal law in several key respects.¹¹ These decisions held that the statute of limitations in design and construction cases is only one-year from the issuance of the certificate of occupancy for private citizens, regardless of when they encounter the discrimination, that the Ohio Attorney General may not seek remedies to require retrofitting of inaccessible housing constructed in violation of Ohio’s fair housing law, and that landlords are not required to take action when they know that one tenant is racially harassing another tenant.¹² If allowed to stand, these decisions represent limitations on fair housing rights for individuals in the state and threaten Ohio’s “substantial equivalency” status, including the work-sharing agreement between HUD and the Ohio Civil Rights Commission (OCRC) that results in substantial revenue for the OCRC to investigate and process fair housing cases in the state.¹³

2. Challenges to the Ohio Fair Housing Law

Pending legislation in the Ohio General Assembly is threatening the substantial equivalency of Ohio fair housing law with the federal Fair Housing Act. Originally introduced in June 2014, Senate Bill No. 349 (SB 349) of the 130th General Assembly (2013-2014) aimed to amend Ohio’s fair housing law, sections 4112.02 and 4112.05 of the Ohio Revised Code, weakening fair housing protections for the State of Ohio. If passed, SB 349 would have reduced the coverage of Ohio’s fair housing law by excluding owners of three or fewer single-family dwellings who would then be free to engage in discriminatory housing practices for both home sales and rentals as long they did not employ a broker, salesperson, or agent or advertise the sale or rental. SB 349 would have reduced the consequences of engaging in housing discrimination, discouraged victims of discrimination from filing complaints, and limited fair housing organizations in their ability to bring legal challenges by lowering and limiting collectable damages in cases of discrimination. SB 349 would have raised the threshold for the award of damages (higher than the federal Fair Housing Act) effectively limiting the damages awarded to complainants to actual damages and attorney’s fees. The bill would have limited and capped the punitive damages that could be imposed by the OCRC. It would have prevented fair housing organizations from collecting any damages making it costly or impossible for them to bring legal action. SB 349 would have allowed respondents to recover attorney’s fees in cases where no probable cause was found. This is broader than the federal Fair Housing Act which gives courts the discretion to award attorney’s fees to prevailing parties.¹⁴ In a letter to the OCRC staff from the HUD Office of Fair Housing and Equal Opportunity stated that, if made law, SB 349 would cause Ohio fair housing law to lose substantial equivalency with the federal Fair Housing Act.¹⁵ The Executive

¹⁰ The “Mrs. Murphy” exemption (for an owner-occupied complex of four or fewer units) and the exemption for the sale and rental of an owner’s single-family home are not included in Ohio’s fair housing law. Under both Ohio and federal law, certain noncommercial property owned by religious organizations and private clubs may be exempt from fair housing laws in certain circumstances. In addition, senior housing is exempt from the familial status provisions under both statutes. The “Mrs. Murphy” exemption is discussed on greater detail on page 13.

¹¹ See *Ohio Civil Rights Comm’n v. Triangle Real Estate Services, Inc.*, 2007 WL 1125842 (Ohio App. 10 Dist.); *Ohio Civil Rights Comm’n v. Fairmark Development, Inc.*, 2008 WL 5197160 (Ohio App. 10 Dist.); and *Ohio Civil Rights Comm’n v. Akron Metropolitan Housing Authority*, 119 Ohio St. 3d 77 (2008). A fourth decision, *Fair Housing Advocates Ass’n v. Chance*, 2008 Ohio 2603 (Ohio App. 9 Dist.), which had held that private fair housing groups do not have standing to bring cases under Ohio law, was effectively overturned by the Ohio legislature with the passage of HB 1 in 2009, which became effective on October 16, 2009. This bill, among other things, added to Ohio’s fair housing law a definition of an “aggrieved person” that is nearly identical to the federal Fair Housing Act, which has been widely interpreted as encompassing private fair housing organizations. See O.R.C. 4112.01(A)(23).

¹² *Ohio Civil Rights Comm’n v. Triangle Real Estate Services, Inc.*, *supra*; *Ohio Civil Rights Comm’n v. Fairmark Development, Inc.*, *supra*; *Ohio Civil Rights Comm’n v. Akron Metropolitan Housing Authority*, *supra*.

¹³ G. Michael Payton, Matthew D. Miko, “Substantial Equivalency and the Future of Fair Housing in Ohio, Symposium: New Strategies in Fair Housing,” *Cleveland State Law Review* vol. 57 no. 2 (2009).

Director of the OCRC indicated that losing substantial equivalency would cause the State of Ohio to lose over one million dollars annually in federal funding used to enforce the Ohio fair housing law and the OCRC would be made unable to enforce fair housing laws in Ohio. SB 349 could have the effect of pushing fair housing litigation into federal courts where the process will become lengthier and more costly for those involved.¹⁶

On March 24, 2015, an altered version of SB 349 was introduced to the Ohio State Senate for the 2015-2016 session as Senate Bill 134 (SB 134). SB 134 differs from SB 349 by implementing an exception commonly referred to as the Ms. Murphy exemption similar to that of the federal Fair Housing Act (landlords owning properties with 4 or fewer units and live in one of the units are exempt from coverage). The bill also includes the more expansive exemption of owners of three or fewer single family units as in SB 349. The bill would completely eliminate the OCRC's ability to award punitive damages (intended to punish housing providers engaging in discrimination). Instead, it would allow the OCRC to award actual damages and assess civil penalties (intended to compensate the victims of discrimination) which would be capped at even lower rates than the punitive damages of SB 349. Under SB 134 fair housing organizations would no longer be prohibited from collecting damages. Instead, fair housing organizations will likely be compensated out of a smaller fund for any work they provided in bringing a housing discrimination complaint. SB 134 would allow prevailing parties to collect attorney's fees as in SB 349.¹⁷

C. Local Law

1. Local Fair Housing Ordinances

Numerous counties, cities, and villages in Northeast Ohio have passed ordinances or resolutions covering fair housing. Locally, there are 3 governments in Ashtabula County that have fair housing ordinances, 37 in Cuyahoga County, 4 in Lake County, 9 in Lorain County, and 3 in Medina County. There are no local fair housing ordinances in Geauga County.¹⁸ While some of these ordinances provide the same protection as federal or state law, others are broader, offering protection from discrimination to additional classes of individuals.¹⁹ The additional classes protected by cities in the region (and the number of local jurisdictions protecting them) include age (23 ordinances), marital status (19), creed (18), sexual orientation (18), disabled veteran status and Vietnam veteran status (4), ethnic group (4), gender identity (12), military discharge status (1), occupation (1), parental status (1), source of income (4), and association with a protected class (1).

Table 1 provides a comparison of the local fair housing laws passed by villages, cities, and counties in the six-county region covered by this report, including the classes protected from discrimination by each ordinance. The table also indicates which jurisdictions have a complaint procedure or a local fair housing board to investigate complaints.

¹⁴ Ohio General Assembly. Senate. Senate Bill No. 349. 130th General Assembly Regular Session 2013-2014 (June 24, 2014).

¹⁵ Lynn M. Grosso, letter from Lynn M. Grosso to G. Michael Payton, August 26, 2014.

¹⁶ G. Michael Payton, letter from G. Michael Payton to Senator Bill Seitz, August 8, 2014.

¹⁷ Ohio General Assembly. Senate. Senate Bill No. 134. 131st General Assembly Regular Session 2014-2015 (March, 24, 2015).

¹⁸ For purposes of this report, we consider local fair housing ordinances to be laws that prohibit discrimination in housing transactions. Two counties (Lorain and Medina) passed resolutions making housing discrimination illegal. We have included these as fair housing ordinances. In addition to the ordinances listed here, 43 jurisdictions have ordinances criminalizing intimidation in obtaining housing. Because these ordinances are criminal intimidation statutes, we do not include them in Table 1 or this analysis of local fair housing laws.

¹⁹ Some of these statutes are narrower than federal or state law. In those cases, the broader protections offered by state and federal law would apply.

Table 1: Local Fair Housing Laws in Northeast Ohio

Ordinance		515	1373	628		515	727	749	951	759	745	665	749.07	856	557	763
Complaint Process		Y	Y	Y		N	N	Y	Y	N	Y	Y	Y	Y	Y	N
Fair Housing Board		Y	Y	N		N	N	N	N	N	Y	Y	Y	N	N	N
Association with a Protected Class																
Occupation																
Source of Income																
Vietnam/Disabled Vet Status												X			X	
Military Discharge Status																
Ethnic Group												X			X	
Sexual Orientation										X		X	X	X	X	X
Gender Identity												X	X		X	X
Parental Status																
Marital Status		X		X			X	X		X		X			X	
Creed		X		X		X	X	X								
Age		X		X			X	X		X		X			X	
Military Status (state coverage)									X	X	X			X		X
Ancestry (state coverage)			X			X			X	X	X	X		X	X	X
Handicap/Disability (Federal cvrg.)		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Familial Status (Federal coverage)		X	X			X	X	X	X	X	X	X	X	X	X	X
Sex/Gender (Federal coverage)		X	X	X		X	X	X	X	X	X	X	X	X	X	X
National Origin (Federal coverage)		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Religion (Federal coverage)		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Color (Federal coverage)		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Race (Federal coverage)		X	X	X		X	X	X	X	X	X	X	X	X	X	X
	Ashtabula County															
	Ashtabula City															
	Conneaut															
	Geneva															
	Cuyahoga County															
	Bay Village															
	Bedford															
	Bedford Heights															
	Berea															
	Brook Park															
	Brooklyn															
	Cleveland															
	Cleveland Heights															
	Cuyahoga Heights															
	East Cleveland															
	Euclid															

Ordinance		563	773	519	715	516	515	825	150	743	515	1901	628	628	1353	623	622
Complaint Process		Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Fair Housing Board		N	N	N	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N
Association with a Protected Class																	
Occupation																	
Source of Income							X										
Vietnam/Disabled Vet Status																	
Military Discharge Status																	
Ethnic Group																	
Sexual Orientation						X	X	X			X	X					
Gender Identity						X	X	X									
Parental Status																	
Marital Status									X								
Creed		X							X								
Age		X						X	X		X	X					
Military Status (state coverage)							X	X	X								
Ancestry (state coverage)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Handicap/Disability (Federal cvrg.)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Familial Status (Federal coverage)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sex/Gender (Federal coverage)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
National Origin (Federal coverage)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Religion (Federal coverage)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Color (Federal coverage)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Race (Federal coverage)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Cuyahoga County (Continued)																	
Fairview Park																	
Gates Mills																	
Glenwillow																	
Highland Hills																	
Lakewood																	
Linndale																	
Maple Heights																	
Mayfield Heights																	
Mayfield Village																	
Newburgh Heights																	
North Olmsted																	
North Randall																	
North Royalton																	
Oakwood																	
Olmsted Falls																	
Parma																	

Ordinance	622	749	538	515	1408	1484	820	113	515	553 , 727		1175	628	1377	1103
Complaint Process	Y	Y	N	Y	Y	N	Y	Y	N	Y	N	N	Y	Y	Y
Fair Housing Board	Y	Y	N	Y	Y	N	Y	N	N	Y	N	Y	Y	Y	N
Association with a Protected Class							X								
Occupation															
Source of Income							X	X							X
Vietnam/Disabled Vet Status															
Military Discharge Status															X
Ethnic Group															
Sexual Orientation				X			X	X							X
Gender Identity				X			X	X							X
Parental Status															X
Marital Status										X			X		X
Creed								X	X	X			X		
Age		X					X			X					X
Military Status (state coverage)	X						X	X			X				
Ancestry (state coverage)	X	X	X	X	X	X	X	X	X	X	X	X			X
Handicap/Disability (Federal cvrg.)	X	X	X	X	X	X	X	X	X	X	X	X	X		X
Familial Status (Federal coverage)	X	X	X	X	X	X	X	X	X		X	X			
Sex/Gender (Federal coverage)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
National Origin (Federal coverage)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Religion (Federal coverage)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Color (Federal coverage)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Race (Federal coverage)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Cuyahoga County (Continued)															
Parma Heights															
Richmond Heights															
Rocky River															
Shaker Heights															
South Euclid															
Strongsville															
University Heights															
Warrensville Heights															
Westlake															
Woodmere															
Lake County															
Mentor															
Mentor-on-the-Lake															
Painesville															
Wickliffe															

Ordinance		561	725	628	136	Res. 11-525	628	1185	790	628			Ord. 610-05	Res. 81-509	515
Complaint Process		Y	Y	Y	Y	Y	Y	Y	Y	Y			Y	Y	Y
Fair Housing Board		Y	Y	Y	Y	Y	Y	N	Y	Y			N	Y	Y
Association with a Protected Class															
Occupation		X													
Source of Income															
Vietnam/Disabled Vet Status					X				X						
Military Discharge Status															
Ethnic Group					X				X						
Sexual Orientation					X			X	X						
Gender Identity								X							
Parental Status															
Marital Status		X		X	X		X		X				X	X	X
Creed		X	X	X			X						X	X	X
Age				X	X		X		X				X	X	X
Military Status (state coverage)						X									
Ancestry (state coverage)					X			X	X	X					
Handicap/Disability (Federal cvrg.)		X	X	X	X	X	X	X	X				X	X	X
Familial Status (Federal coverage)		X	X		X	X		X	X						
Sex/Gender (Federal coverage)		X	X	X	X	X	X	X	X				X	X	X
National Origin (Federal coverage)		X	X	X	X	X	X	X	X	X			X	X	X
Religion (Federal coverage)		X	X	X	X	X	X	X	X	X			X	X	X
Color (Federal coverage)		X	X	X	X	X	X	X	X	X			X	X	X
Race (Federal coverage)		X	X	X	X	X	X	X	X	X			X	X	X
Lorain County															
Amherst															
Elyria															
Grafton															
Lorain City															
Lorain County															
North Ridgeville															
Oberlin															
Sheffield Lake															
Vermillion															
Medina County															
Chippewa Lake															
Medina County															
Rittman															

2. Fair Housing Issues in Municipal Ordinances²⁰

The Housing Center has identified several issues in local ordinances with fair housing implications.

a. Federal Exemptions and the Fair Housing Act

i. Single-Family Home and “Mrs. Murphy” Exemptions

The Fair Housing Act initially protected people from discrimination only on the bases of race, color, religion, and national origin. Since its passage sex, familial status, and disability were added. A compromise, however, was made in order to pass the bill in its original form in 1968. This compromise exempted certain smaller landlords from the law. Single-family homes sold or rented by a housing provider with few properties were exempt. Landlords of owner-occupied buildings with 4 or fewer units were also exempt. This legislative compromise is colloquially known as the “Mrs. Murphy” exemption.

These exemptions were written into the Fair Housing Act in order to pass the legislation. Some lawmakers at the time argued that owner-occupied buildings and landlords with only a few properties should be able to rent their units with fewer restrictions under the law. The exemption states that the actions prohibited in section 804 (other than subsection (c))²¹ of the Fair Housing Act do not apply to:

(1) any single-family house sold or rented by an owner: Provided, That such private individual owner does not own more than three such single-family houses at any one time: Provided further, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

The exemption does not apply to making, printing, or publishing an ad. Discriminatory statements in housing advertisements are a violation of the Federal Fair Housing Act regardless of the number of properties or units a housing provider has.

²⁰ Local ordinances sources: Conway Greene Co., American Legal Publishing Company, the Walter H. Drane Company, and city and village ordinances available at local municipal law libraries.

²¹ Sec. 804 (c) [42 U.S.C. 3604]: To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

ii. Federal Exemptions and Ohio Law

Currently, Ohio Fair Housing law regulates more of the housing market than the federal law as it does not include the single-family home or Mrs. Murphy exemption for private housing providers. All covered dwellings must comply. Landlords involved in the rental of any covered dwelling in Ohio are prohibited from discriminating based on race, color, religion, national origin, sex, ancestry, familial status, disability, or military status.

iii. Single-Family Home Exemption, Mrs. Murphy Exemption, and Local Laws

Local cities and villages often have their own fair housing ordinances. These ordinances offer additional protection to groups of people who are not included under state or federal law. Some examples of additional protected classes covered in Northeast Ohio are: sexual orientation, gender identity, occupation, and age.

The single-family home and Mrs. Murphy exemptions appear in a number of fair housing ordinances in cities and villages with additional protected classes. The effect of the Mrs. Murphy exemption in local fair housing ordinances is that small housing providers may be exempt from claims of housing discrimination on the basis of a protected class afforded only under local law. Cities and villages that amend their ordinances and expand protections and prohibit discrimination on additional bases effectively do so to some properties and housing transactions but not all. This could have a particular impact on communities that have a large number duplex, quadruplex, and single-family homes.

The Housing Center reviewed fair housing ordinances for every village and city in Northeast Ohio that has a fair housing ordinance for the presence of single-family housing exemptions and the “Mrs. Murphy” exemption and identified the following:

Cuyahoga County²²

City or Village	Single-Family Home Exemption	Mrs. Murphy Exemption
Brooklyn	Yes	Yes
Euclid	No	Yes ²³
Gates Mills	Yes	Yes
Highland Hills	Yes	Yes ²⁴
Newburgh Heights	Yes	Yes
North Olmsted	Yes	Yes
Oakwood	Yes	Yes
Parma	Yes	Yes ²⁵
Parma Heights	Yes	Yes
Shaker Heights	Yes	Yes
South Euclid	Yes	Yes

²² Codified Ordinance of the City of Brooklyn § 745.03 (Ord. 2010-46. Passed 9-27-10.), Codified Ordinance of the City of Euclid § 763.04 (Ord. 141-1992. Passed 6-1-92.), Codified Ordinance of the Village of Gates Mills § 773.03 (Ord. 2001-13. Passed 3-13-01.), Codified Ordinance of the City of Highland Hills § 715.03 (Ord. 2000-58. Passed 10-11-00.), Codified Ordinance of the Village of Newburgh Heights § 515.05 (Ord. 2010-36. Passed 9-21-10.), Codified Ordinance of North Olmsted § 1901.05 (Ord. 2000-76. Passed 7-5-00.), Codified Ordinance of the Village of Oakwood § 1353.03 (Ord. 2002-38. Passed 10-8-02.), Codified Ordinance of the City of Parma § 622.03 (Ord. 142-88. Passed 6-20-88.), Codified Ordinance of the City of Parma Heights § 622.03 (Ord. 2011-38. Passed 12-28-11.), Codified Ordinance of the City of Shaker Heights § 515.03 (Ord. 06-20. Enacted 2-27-06.) Codified Ordinance of the City of South Euclid § 1408.03 (Ord. 9-98. Passed 2-23-98; Ord. 76-02. Passed 12-23-02.)

²³ Exemption only applies to owner-occupied duplexes

²⁴ Exemption on the basis of family status only

²⁵ Exemption only applies to owner-occupied duplexes

Lorain County²⁶

City or Village	Single-Family Home Exemption	Mrs. Murphy Exemption
Elyria	Yes	Yes

b. Domestic Violence and Fair Housing

Policy and court decisions in the late 1980s through the early 2000s led to what is commonly referred to as the “one strike” rule for drug and criminal activity on the premises of Public Housing Authority properties. The “one strike” rule was put into place with the intention of making public housing safer and to ensure peaceful enjoyment of the premises for all residents. Any criminal activity committed on or off the premises by a public housing tenant, any member of the tenant’s household, or guest of other person under the tenant’s control could lead eviction for the entire household.²⁷ In practice the policy was problematic. The broad interpretation of the rule led to many evictions or attempted evictions for criminal activity when tenants were victims and not perpetrators of a crime.²⁸ As a result, victims of domestic violence, who are predominantly women, were evicted from their housing.

i. 2005 Reauthorization of the *Violence Against Women Act (VAWA)*

The 2005 reauthorization of the VAWA addressed issues specifically confronting victims of domestic violence who live in federally funded Public Housing, Project-Based Housing, Housing Choice Voucher Program participants. This law offered special protections and included an exemption to the “one strike” rule for victims of domestic violence.²⁹ VAWA 2005 policies:

- Prohibited public housing authorities (PHAs) from denying admission to victims of domestic violence.
- Prohibited evictions in Public Housing, Project-Based Housing, and the Housing Choice Voucher program based on being a victim of domestic violence.
- Prohibited the termination of assistance, tenancy, or occupancy rights for victims of domestic violence.

VAWA was most recently reauthorized in 2013 and expanded the housing programs covered under the law. In addition to Public Housing, Project-Based Housing, and the Housing Choice Voucher Program the following federally subsidized housing programs are now included in VAWA 2013:³⁰

- HOME Investment Partnerships Program
- Section 202 Supportive Housing for the Elderly
- Section 236 Rental Program
- Section 811 Supportive Housing for People with Disabilities

²⁶ Codified Ordinance of the City of Elyria § 725.10 (Ord. 96-98. Passed 5-6-96.)

²⁷ “Meeting the Challenge: Public Housing Authorities Respond to the “One Strike and You’re Out” Initiative.” Accessed March 9, 2015, <https://www.ncjrs.gov/pdffiles1/Photocopy/183952NCJRS.pdf>

²⁸ Lisa Matukaitis, “Housing Evictions and Domestic Violence,” *Pennsylvania Coalition Against Domestic Violence*, Battered Women’s Justice Project-Civil, September 2004.

²⁹ “The Impact of Domestic Violence Against Women Act 2005 (VAWA) on the Housing Rights and Options of Survivors of Domestic and Sexual Violence.” *National Law Center on Homelessness & Poverty*, accessed March 12, 2015, <http://www.ncdsv.org/images/ImpactofVAWAHousingFAQ.pdf>

³⁰ Sandra B. Henriquez, “New Housing Protections in VAWA 2013,” U.S. Department of Housing and Urban Development (2013)

- Section 221 (d)(3) Below Market Interest Rate (BMIR) Program
- HOPWA Housing Program
- HUD's McKinney-Vento homeless programs
- Low-Income Housing Tax Credit (LIHTC) properties (Department of the Treasury)
- USDA Rural Housing Properties (Department of Agriculture)

VAWA (2013) also:

- Creates emergency housing transfer options for victims of domestic violence.
- Gives tribal courts recourse against non-Native offenders.
- Protects lesbian, gay, bisexual, and transgender victims of domestic violence.
- Offers additional protections for immigrant victims of domestic violence.

ii. Ohio: Domestic Violence and Private Rental Housing

Thirty-three states across the nation have enacted laws to protect victims of domestic violence in private rental housing. Ohio is not currently one of those states.³¹ Legislation was introduced in the Ohio House most recently in 2013. House Bill No. 297 (H.B. 297) proposed several protections for victims of domestic violence including:

- Prohibiting a landlord from terminating a tenancy because the tenant is a victim of domestic violence and providing tenant with a civil remedy for a violation of the prohibited act.
- Allowing a tenant to terminate a rental agreement or have the tenant's name removed from a rental agreement as a cotenant if the tenant or a member of the tenant's household is a victim of domestic violence.
- Requiring the landlord, upon request from the tenant who is a victim of domestic violence or menacing by stalking, to change the tenant's locks.
- Prohibiting counties, municipal corporations, and townships and their law enforcement agencies from charging a victim of domestic violence or an owner of a property where a victim of domestic violence resides for assistance that law enforcement officers provide to a victim of domestic violence.³²

Women living in rental housing were found to be victims of intimate partner violence at rates 3 times that of women living in owned housing.³³ Expanding the law to cover the private rental market would protect victims of domestic violence from housing discrimination.

The bill was referred to the House Judiciary committee in October 2013, but did not make it out of committee for a vote. Advocates continue to work to enact state legislation to protect the rights of victims of domestic violence in housing.

iii. Fair Housing and Local Nuisance Ordinances

Although policy responses designed to protect housing rights for victims of domestic violence in federally assisted housing exist, Ohio has not been successful passing similar statewide legislation for the private

³¹ "State Law Guide: Housing Protections for Victims of Domestic Violence," *Legal Momentum* (2013). Accessed March 12, 2015, https://www.legalmomentum.org/sites/default/files/reports/Housing.Disc_05.2013.pdf

³² David M. Gold. Ohio Legislative Bill Analysis, H.B. 297. 130th General Assembly, *Ohio Legislative Service Commission*. Accessed March 11, 2015, <http://www.lsc.ohio.gov/analyses130/h0297-i-130.pdf>

³³ Callie Marie Rennison, and Sarah Welchans, "Special Report: Intimate Partner Violence," *Bureau of Justice Statistics* (2000).

rental market. Local nuisance ordinances that penalize victims of domestic violence, which H.B. 297 sought to prohibit, exist in Northeast Ohio. These nuisance ordinances mirror certain language of the original “one-strike” rule.

Generally, within a municipal codified nuisance ordinance the language states that if the “nuisance activity” is committed by the person living in the unit, an invited guest, or a person under the control of the tenant, the owner of the property is held responsible. Certain offenses are specifically listed as “nuisance activities” within the ordinance. It is not uncommon to find domestic violence included on the list of “nuisance activities” within a codified ordinance.

Nuisance ordinances are not uniform throughout Northeast Ohio, but share similar characteristics. Unlike the “one-strike” rule, a certain number of occurrences within a designated timeframe will cause the property to be labeled as a nuisance. The owner of the property will then be notified that any subsequent “nuisance activity” will result in a fee. This fee is often based on the hourly rate of city personnel involved in responding to the nuisance, although there is some variation across ordinances. Many nuisance ordinances give the owner the right to appeal and avoid the cost of abatement. The owner must demonstrate, through a preponderance of evidence, that they knew about the nuisance and took steps to abate the nuisance or had no knowledge of the nuisance but upon receipt of the notice took prompt action to abate the nuisance. Prompt action in the ordinance is often included but not limited to complying with the requirements of the Ohio Revised Code provisions for eviction.³⁴ Unfortunately, for victims of domestic violence, nuisance abatement is often equivalent to eviction.³⁵

A recent study examined every nuisance property citation issued by the Milwaukee Police Department over a two year period (2008-2009). The study found that 15.7% of all citations were issued as a result of an incident of domestic violence. This percentage is likely higher as this number relied on the designation of battery: domestic violence. It is likely other categories include crimes of violence within the home. The study also examined landlord response to nuisance citations and found the preferred resolution (78% of all citations) was formal or informal eviction as well as threats to evict if the nuisance continued.³⁶

Once a person has an eviction record it is much more difficult to obtain housing. Victims of domestic violence may not have the immediate financial means available to secure housing, and therefore, many victims of domestic violence face homelessness upon eviction.³⁷ Threats of eviction or a nuisance citation may also cause a victim to avoid calling the police for assistance; fearing a phone call for help could jeopardize their current and future housing options.

iv. Fair Housing Implications of Nuisance Ordinances

Women comprise 76% of all victims of domestic violence, making women much more likely to be victims of domestic violence than men.³⁸ Nuisance ordinances that include domestic violence have a

³⁴ Language often included in appeal process of nuisance ordinance: (2) He or she [landlord] had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9); or (3) He or she had no knowledge of the nuisance activity and could not with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

³⁵ Cari Fais, “Denying Access to Justice: The Cost of Applying Chronic Nuisance Laws to Domestic Violence,” *Columbia Law Review* 108, no. 5 (2008): 1181-1223.

³⁶ Matthew Desmond and Nicol Valdez, “Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women,” *American Sociological Review* 78, no. 1 117-141 (2012).

³⁷ Anne Menard. “Domestic Violence and Housing: Key Policy and Program Challenges,” *Violence Against Women* 7 no. 6 (2001).

³⁸ Jennifer L. Truman and Rachel E. Morgan, “Nonfatal Domestic Violence, 2003-2012,” *U.S. Department of Justice*,

disproportionate impact on women. When a facially neutral policy is applied consistently across the population and has an unequal, negative impact on a protected class this can be considered discrimination under the legal theory of disparate impact.³⁹

The nuisance abatement ordinance of the City of Norristown Pennsylvania was recently challenged when Lakisha Briggs, a victim of domestic violence, was threatened with eviction after she was airlifted to the hospital due to an attack in her home by her boyfriend. The police were called to her home several times in the past and she was reluctant to call again due to the nuisance abatement ordinance. She was concerned that a call to the police would jeopardize her housing. The Norristown ordinance gave law enforcement the power to revoke the rental licenses of landlords as well as evict tenants at properties deemed to be chronic nuisances. The nuisance ordinance has since been repealed, but was quickly replaced. The new ordinance has similar language, but puts the onus of abatement on the landlord.⁴⁰ Advocates for victims of domestic violence argue that the revised ordinance in practice continues violate of fair housing law and infringe upon the rights of the victim.

Many local nuisance ordinances in Northeast Ohio task the landlord or property owner with abatement. These policies have the potential to have a disparate impact on women victims of domestic violence and could lead to violations of the Fair Housing Act.

v. Nuisance Ordinances in Northeast Ohio

The Housing Center reviewed ordinances for every city and village in Northeast Ohio for nuisance ordinances specifically listing domestic violence as a nuisance activity and identified the following:

Ashtabula County⁴¹

- Geneva-on-the-Lake

Cuyahoga County⁴²

- Cleveland Heights
- Cuyahoga Heights
- Euclid

Office of Justice, Bureau of Justice Statistics (2014).

³⁹ “Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act (FHA) and the Violence Against Women Act (VAWA),” *U.S. Department of Housing and Urban Development*, 2011.

⁴⁰ “Briggs v. Borough of Norristown et al.,” *American Civil Liberties Union*, 2014. Retrieved March 30, 2015 from: <https://www.aclu.org/womens-rights/briggs-v-borough-norristown-et-al>

⁴¹ Codified Ordinance of the Village of Geneva-on-the-Lake §151 (Ord. 2012-53. Passed 8-6-12).

⁴² Codified Ordinance of the City of Cleveland Heights § 553.07 (Ord. 135-2008. Passed 9-15-08), Codified Ordinance of the Village of Cuyahoga Heights § 680.07 (Ord. 2012-98. Passed 10-10-12), Codified Ordinance of the City of Euclid §529.07 (Ord. 86-2006. Passed 5-15-06; Ord. 179-2006. Passed 10-16-06; Ord. 134-2010. Passed 10-4-10), Codified Ordinance of the City of Fairview Park § 509.18 (Ord. 04-33. Passed 12-20-04), Codified Ordinance of the City of Garfield Heights § 555.01 (Ord. 04-2011. Passed 1-24-11), Codified Ordinance of the City of Lakewood § 510.01 (Ord. 23-08. Passed 12-15-2008), Codified Ordinance of the City of Lyndhurst (Ord. 23-08. Passed 12-15-2008), Codified Ordinance of the City of Maple Heights §648.19 (Ord. 2006-27. Passed 4-19-06; Ord. 2009-21. Passed 3-18-09; Ord. 2010-46. Passed 5-5-10), Codified Ordinance of the Village of Newburgh Heights §1355.01 (Ord. 2007-27. Passed 9-18-07), Codified Ordinance of the City of North Olmsted §561.01 (Ord. 2008-62. Passed 8-5-08), Codified Ordinance of the City of South Euclid §531.09 (Ord. 41-04. Passed 7-26-04; Ord. 35-06. Passed 6-26-06; Ord. 10-08. Passed 3-24-08; Ord. 36-11. Passed 3-26-12; Ord. 27-12. Passed 2-11-13), Codified Ordinance of the Village of Woodmere § 551.07 (Ord. 2014-106. Passed 11-12-14)

- Fairview Park
- Garfield Heights
- Lakewood
- Lyndhurst
- Maple Heights
- Newburgh Heights
- North Olmsted
- South Euclid
- Woodmere

Medina County:⁴³

- Wadsworth

c. Fair Housing and Group Homes

Some people with disabilities choose to live in group homes. For the purposes of this analysis, “group home refers to housing occupied by groups of unrelated individuals with disabilities.”⁴⁴ Zoning codes that treat groups of unrelated people with disabilities differently than groups of related people could violate the fair housing laws. According to a jointly-written report from the Department of Justice (DOJ) and HUD, “A local government may restrict groups of unrelated persons from living together, if the restrictions are imposed on all such groups.” Because reasonable accommodations are allowed, groups of unrelated people with disabilities must be “given the opportunity to seek an exception or waiver.”⁴⁵ Zoning codes that do not provide for such procedures potentially inhibit the rights of people with disabilities.

The Housing Center reviewed zoning codes for every village and city in Northeast Ohio for ordinances related to group homes and identified the following issues.

i. Density Requirements for Group Homes

Several municipalities in Northeast Ohio restrict group home density by setting minimum distance requirements between group homes or exclude group homes from certain residential districts.

Cuyahoga County⁴⁶

- Euclid – 500 feet
- Fairview Park – 1,000 feet and limited to multi-family districts
- Lakewood – 1,000 feet
- Lyndhurst – 1,000 feet

⁴³ Codified Ordinance of the City of Wadsworth §93.70 (Ord. 13-039, passed 7-16-13)

⁴⁴ Joint Statement of the Department of Justice and the Department of Housing and Urban Development, “Group Homes, Local Land Use, and the Fair Housing Act,” p. 2 (August 18, 1999).

⁴⁵ Joint Statement of the Department of Justice and the Department of Housing and Urban Development, “Group Homes, Local Land Use, and the Fair Housing Act,” p. 3 (August 18, 1999).

⁴⁶ Codified Ordinance of the City of Euclid, Ohio § 1368.13 (Ord. 174-2008. Passed 9-2-2008). Codified Ordinance of the City of Fairview Park, Ohio § 1149.14 (Ord. 89-99. Passed 4-2-1990). Codified Ordinance of the City of Lakewood, Ohio § 1121.11 (Ord. 91-95. Passed 10-7-1996). Codified Ordinance of the City of Lyndhurst, Ohio § 1160.03 (Ord. 96-61. Passed 10-19-1998). Codified Ordinance of the City of Maple Heights, Ohio § 1270.02, 1272.02, and 1274.02 (Ord. 2000-128. Passed 12-6-2000). Codified Ordinance of the City of Olmsted Falls, Ohio § 1264.03 (Ord. 89-99. Passed 12-14-1999). Zoning Resolution of Olmsted Township, Ohio § 280.01, Adopted March 9, 2000, Amended May 22, 2013.

- Maple Heights – excludes group homes from all single family and two family districts
- Olmsted Falls – 1,500 feet
- Olmsted Township – 600 feet

Lorain County⁴⁷

- Avon Lake – 1,320 feet
- Grafton – 600 feet
- Wellington – 600 feet

Medina County⁴⁸

- Brunswick – 2,000 feet

In a joint statement from the from DOJ and HUD, both agencies stated that in general, minimum distance requirements for groups homes in zoning codes are inconsistent with the federal Fair Housing Act and distance requirements will only be upheld on a case-by-case basis where group home over-concentration can be shown.⁴⁹ States and municipalities often argue that minimum distance requirements are necessary for integrating residents of group homes into the general community (terms used often include “clustering,” “institutionalization,” and “ghettoization”) and maintaining the residential character of neighborhoods.

Federal courts have offered contradictory rulings on minimum distance requirements for group homes making it difficult to turn to case law for guidance on the issue, but in most cases minimum distance requirements have been found to violate the Fair Housing Act and the Fair Housing Amendments Act (FHAA). Though, state and local governments often enact minimum distance requirements citing the goals of integration (or preventing “clustering”) and deinstitutionalization for residents with disabilities some courts have found that discrimination through minimum distance requirements is not an acceptable means to integration or that it is contrary to the goal itself. Density thresholds for group home concentration have not been established and, in many cases, would stand in conflict to several federal court decisions. The anti-clustering justification has been rejected repeatedly in federal courts. In *Larkin v. the State of Michigan Department of Social Services*, the Sixth Circuit Court of Appeals found that the State of Michigan’s 1,500 foot minimum distance requirement for licensing of residential facilities violated the FHAA.⁵⁰ The State argued that it wished to prevent clustering of group homes, or “ghettoization”, and to achieve the goal of deinstitutionalization for residents. The court found no evidence that clustering would occur in absence of restrictions, and if it did it would be under the free choice of the person with disability to live near other individuals with disabilities. The ruling described the minimum distance requirement as “paternalistic” and a policy of “forced integration.” The ruling also stated, “Two . . . facilities 500 feet apart would violate the statute without remotely threatening to recreate an institutional setting in the community.”⁵¹

Some courts have ruled that separation of people with disabilities to achieve integration is not a legitimate

⁴⁷ Codified Ordinance of the City of Avon Lake, Ohio § 1240.08 (Ord. 52-99. Passed 3-22-1999). Codified Ordinance of the Village of Grafton, Ohio § 1287.08 (Ord. 01-014. Passed 7-17-2001). Codified Ordinance of the Village of Wellington, Ohio § 1173.08.

⁴⁸ Codified Ordinance of the City of Brunswick, Ohio § 1280.14.

⁴⁹ Joint Statement of the Department of Justice and the Department of Housing and Urban Development, “Group Homes, Local Land Use, and the Fair Housing Act,” (August 18, 1999).

⁵⁰ Additional cases where courts rejected the clustering argument include: *Advocacy Center for Persons with Disabilities v. Woodlands Estates*, *ARC of New Jersey v. New Jersey*, *Children’s Alliance v. City of Bellevue*, *Horizon House Developmental Services, Inc. v. Township of Upper Southampton*, and *Nevada Fair Housing Inc. v. Clark County*.

⁵¹ *Larkin v. State of Michigan Department of Social Services*, 89 F.3d 285 (6th Cir. 1996).

government interest. In *ARC of New Jersey v. New Jersey* (1996) and *Horizon House Developmental Services, Inc. v. Township of Upper Southampton* (1992), federal courts stated that integration of group home residents was not adequate justification for discriminatory, minimum distance requirements under the FHAA. The *Horizon House* decision noted the following testimony: “Meaningful integration’ is a deep and complex notion; it involves a variety of circumstances, not the least of which is the relationship between individuals and their community. The first step, however, is to be ‘physically included’ and to have choices about where to live.”⁵²

In some cases courts found that a municipality’s refusal to grant a reasonable accommodation by waiving a minimum distance requirement violated the FHAA. In *Oconomowoc Residential Programs Incorporated v. City of Milwaukee* (2002), the Seventh Circuit Court declined to decide if the City’s minimum distance requirement itself violated the FHAA.⁵³ The Court did decide that the City failed to provide a reasonable accommodation, when requested, to residents with disabilities choosing to live in group homes, thus violating their right to enjoy an equal opportunity to housing by enforcing its minimum distance requirement under FHAA.⁵⁴ Confusing the matter somewhat, the Court of the Western District of Washington, in *Children’s Alliance v. City of Bellevue* (1997), found that even the offer of reasonable accommodation does not validate a minimum distance requirement under the Fair Housing Act.⁵⁵

In fewer cases, minimum distance requirements have been upheld under the Fair Housing Act by federal courts. In *Familystyle of St. Paul Inc. v. City of St. Paul* (1991), the Eighth Circuit Court found that the State of Minnesota’s dispersal requirement for group homes was not intended to discriminate against the disabled and that deinstitutionalization of people with disabilities was a legitimate goal of the City and State.⁵⁶ In *Harding v. City of Toledo* (2007), the Court for the Northern District of Ohio upheld the City’s 500 foot minimum distance requirement noting that Toledo’s minimum distance was substantially smaller than that of the *Larkin* case.⁵⁷ In two cases minimum distances requirements were upheld because cities offered reasonable accommodations on a case-by-case basis or offered special permits waving the distance requirement.⁵⁸

ii. Special Restrictions on Group Home Access in Mayfield Heights

The City of Mayfield Heights places extraordinary restrictions and requirements on people wishing to live in group homes. The Fair Housing Act prohibits land use policies that treat groups of persons with disabilities less favorably than groups of non-disabled persons.⁵⁹ In Mayfield Heights, group home

⁵² *ARC of New Jersey, Inc. v. New Jersey*, 950 F. Supp. 637 (D. New Jersey 1996).

Horizon House v. Township of Upper Southampton, 804 F. Supp. 683 (E.D. Pennsylvania 1992).

Daniel R. Mandelker, “Housing Quotas for People with Disabilities: Legislating Exclusion,” *The Urban Lawyer* vol. 43 no. 4 (2011), 936-939.

⁵³ Additional cases cities violated the FHAA by failing to make a reasonable accommodation by waiving minimum distance requirements include: *New Hope Fellowship v. City of Omaha* and *United States v. the City of Chicago Heights*.

⁵⁴ *Oconomowoc Residential Programs Incorporated v. City of Milwaukee*, 300 F.3d 775 (7th Cir. 2002).

Mandelker, “Housing Quotas for People with Disabilities: Legislating Exclusion,” 939.

⁵⁵ *Children’s Alliance v. City of Bellevue*, 950 F. Supp. 1491 (W.D. Washington 1997).

⁵⁶ *Familystyle of St. Paul Inc. v. City of St. Paul*, 923 F.2d 91 (8th Cir. 1991).

⁵⁷ *Moretha Harding, et al. v. City of Toledo*, 433 F. Supp. 2d 867 (N.D. Ohio 2007).

⁵⁸ *Elderhaven Inc. v. City of Lubbock*, 98 F.3d 175 (5th Cir. 1996).

Mandelker, “Housing Quotas for People with Disabilities: Legislating Exclusion,” 939-940.

⁵⁹ Joint Statement of the Department of Justice and the Department of Housing and Urban Development, “Group Homes, Local Land Use, and the Fair Housing Act,” p. 1 (August 18, 1999).

occupancy is limited to two-to-five people. Applicants who are residents of Mayfield Heights have priority over nonresidents. Similar residency preferences are sometimes used in affordable housing programs, but they have been found to violate the Fair Housing Act if they have a discriminatory impact on members of protected classes. Residency preferences implemented in majority white municipalities where people of color have less representation than that of the surrounding area have been found to discriminate on the basis of race.⁶⁰ In Mayfield Heights, a group home operator must provide a written assurance that prospective residents will not constitute a danger to the community. Prospective residents are to be approved by an admissions committee that includes one, non-voting member appointed by the Mayor. Organizations operating group homes must agree that all residents will either be “enrolled in day programs *outside the community* or employed *in the community* [emphasis added].”⁶¹

iii. Restrictions Based on Conditions Qualifying as Disabilities under the Fair Housing Act

Several municipalities in Northeast Ohio exclude people from living in group homes due to conditions that may qualify as disabilities under the Fair Housing Act. These include individuals with communicable diseases and drug and alcohol addiction. In a joint statement from HUD and DOJ the definition of the term “disability” covers individuals with some communicable diseases, drug addiction, and alcoholism when their tenancy does not pose a “direct threat” to the health and safety of other individuals or would not result in substantial physical damage to the property or “if the threat can be eliminated or significantly reduced by reasonable accommodation.” HUD and DOJ state specifically that individuals receiving treatment for addiction are protected by the Fair Housing Act. Individuals currently engaged in the illegal use of a controlled substance are not protected by the Fair Housing Act as well as those who have been convicted of the illegal manufacture or distribution of a controlled substance.⁶² The Housing Center reviewed municipal ordinances in Northeast Ohio and the following municipalities bar individuals from group homes who may be protected by the Fair Housing Act:⁶³

- Bay Village – persons with communicable disease, persons who are addicted to alcohol or drugs or abuse alcohol or drugs
- Fairview Park – persons with communicable disease, persons who are addicted to alcohol or drugs or abuse alcohol or drugs
- Garfield Heights – persons being treated for drug or alcohol abuse
- Mayfield Heights – persons being treated for drug or alcohol abuse

iv. Restrictions Based on Involvement with the Criminal Justice System

Several municipalities in Northeast Ohio restrict access to group homes for people with disabilities that have been involved with the criminal justice system. The Fair Housing Act does not cover individuals who pose a direct threat to the health and safety of others or whose tenancy would result in substantial

⁶⁰ *United States of America v. Town of Oyster Bay, et. al.*, No 14 Civ. 2317 (E.D. New York 2014).
Fair Housing Justice Center, Inc. v. Town of York Town, No. 10cv9337 (S.D. New York 2010).

⁶¹ Codified Ordinances of the City of Mayfield Heights, Ohio § 721.03 (Ord. 1986-31. Passed 1-12-1987).

⁶² Joint Statement of the Department of Justice and the Department of Housing and Urban Development, “Reasonable Accommodations Under the Fair Housing Act,” p. 2-4 (May 17, 2004).
United States Department of Justice, “Fair Housing Act,”
http://www.justice.gov/crt/about/hce/housing_coverage.php#disability (Accessed March 24, 2014).

⁶³ Codified Ordinances of the City of Bay Village, Ohio § 1142.04 (Ord. 90-12. Passed 3-19-1990). Codified Ordinances of the City of Fairview Park, Ohio § 1149.14 (Ord. 91-49. Passed 10-7-1991). Codified Ordinances of the City of Garfield Heights, Ohio § 1369.02 (Ord. 82-1988. Passed 11-14-1988). Codified Ordinances of the City of Mayfield Heights, Ohio § 721.03 (Ord. 1986-31. Passed 1-12-1987).

physical damage to property. Many individuals who been convicted of felony offenses, have served prison sentences, or that are on probation or parole have been convicted of a nonviolent criminal offense and would pose no threat to the health or safety of other individuals. DOJ defines nonviolent crimes as “property, drug, and public order offenses which do not involve a threat of harm or actual attack upon a victim.”⁶⁴ Securing housing is a major barrier to re-integration into the community faced by formerly incarcerated individuals, especially those in need of supportive housing due to physical and mental health disabilities or a history of drug abuse.⁶⁵

The Housing Center reviewed municipal ordinances in Northeast Ohio and the following municipalities restrict access to group homes based on some involvement with the criminal justice system: ⁶⁶

- Bay Village – non-developmentally disabled persons with a felony record, persons found to be a danger to themselves or the community, persons found incompetent to stand trial or not guilty by reasons of insanity of a felonious offense
- Fairview Park – non-developmentally disabled person with a felony record, persons found incompetent to stand trial or not guilty by reason of insanity of a felony criminal offense, persons found to be a danger to the community or themselves
- Garfield Heights – persons discharged from a correctional institution within the last 10 years; persons under probation, parole, or conditional release; persons discharged from any facility after being found incompetent to stand trial or not guilty by reason of insanity; persons who cannot function in a community setting or who constitute a reasonably foreseeable danger to the community
- Mayfield Heights – persons discharged within the last ten years of a correctional facility or the Ohio Department of Youth Services; persons under probation, parole, or conditional release; persons discharged from any facility after being found incompetent to stand trial or not guilty by reason of insanity; persons who cannot not function adequately in a community setting or constitute a reasonably foreseeable danger to the community

⁶⁴ Department of Justice Office of Justice Program, “Bureau of Justice Statistics Factsheet: Profile of Nonviolent Offenders Exiting State Prisons,” (October, 2004).

⁶⁵ Jocelyn Fontaine and Jennifer Biess, “Housing as a Platform for Formerly Incarcerated Persons,” Washington, D.C.: Urban Institute, April 2012.

⁶⁶ Codified Ordinances of the City of Bay Village, Ohio § 1142.04 (Ord. 90-12. Passed 3-19-1990). Codified Ordinances of the City of Fairview Park, Ohio § 1149.14 (Ord. 91-49. Passed 10-7-1991). Codified Ordinances of the City of Garfield Heights, Ohio § 1369.02 (Ord. 82-1988. Passed 11-14-1988). Codified Ordinances of the City of Mayfield Heights, Ohio § 721.03 (Ord. 1986-31. Passed 1-12-1987).

III. FAIR HOUSING COMPLAINTS IN NORTHEAST OHIO

A. Federal and State Complaint Process

Under the federal Fair Housing Act, individuals who have suffered discrimination may choose to file an administrative complaint before the U.S. Department of Housing and Urban Development (HUD), a lawsuit in court, or both. Because Ohio's fair housing law has been designated substantially equivalent to the federal statute, virtually all housing discrimination complaints filed with HUD are referred to the Ohio Civil Rights Commission (OCRC) for investigation and potential resolution.⁶⁷

Ohio's fair housing law also allows individuals to pursue remedies administratively before the OCRC or in court. In addition to investigating cases referred by HUD, the OCRC accepts complaints of housing discrimination filed with the agency directly.⁶⁸

Once the OCRC receives a complaint (or "charge"), the agency assigns it to an investigator. The investigator researches the complaint, speaking with the parties and witnesses and reviewing any available documentation to determine if there is probable cause of discrimination. Prior to making the determination, the OCRC offers the parties the opportunity to voluntarily mediate their dispute. If both parties agree, a mediator meets with the parties and attempts to find a mutually satisfactory resolution. If a settlement is not reached, the case continues to be investigated.⁶⁹

After the investigator has reached a recommendation, the case is submitted for supervisory approval and ultimately to the Commissioners, who must approve the report before it becomes a final OCRC determination. Based on its review of the report and recommendation of the OCRC's field staff, the Commission makes a determination of "probable cause" or "no probable cause" of discrimination.

If the OCRC finds probable cause of discrimination, the parties are offered a final chance to resolve their differences through a conciliation process. In the event that the dispute cannot be resolved, the case is referred to the Civil Rights Section of the Ohio Attorney General's Office to bring a civil action before an administrative law judge or, if the parties request, in state court.

⁶⁷ According to the agreement between HUD and the OCRC, with several small exceptions, fair housing complaints from Ohio that are filed with HUD are referred to the OCRC for investigation and resolution. In 2005, less than one percent of cases were investigated by HUD. (Email communication with Carolyn Murphy, Director of Columbus Fair Housing Center, U.S. Department of Housing and Urban Development, March 10, 2006.) In addition, starting in 2009, HUD also began retaining jurisdiction of cases alleging violations of the accessibility provisions for new multi-family construction and cases of third party liability.

⁶⁸ The procedures of the OCRC are set forth in ORC 4112.03-4112.06 and in the Ohio Administrative Code 4112-3-01 through 4112-3-17.

⁶⁹ The Commission has the authority to demand access to records, premises, documents, evidence or possible sources of evidence, and to record testimony or statements from individuals. Further, the agency has the right to issue subpoenas, interrogatories, and cease and desist orders; hold public hearings; and collect monetary benefits (Ohio Revised Code 4112.04).

B. Number of Complaints Filed in Region

The Housing Center has collected and analyzed data on all fair housing complaints filed with HUD in the six-county region from 1990 to 2014.⁷⁰ The data revealed that over the 25-year period:

- On average, 133.8 complaints were filed each year in the region;
- Cases filed alleging race discrimination accounted for 34.1% of the total cases, compared to 25.6% for handicap/disability, and 21.3% for familial status;
- Complaints based on national origin accounted for 6.4% of the total, sex/gender cases made up 5.7%, religion cases made up 1.8%, and color made up 0.9%;
- Nearly three-quarters of the complaints (74.9%) were filed in Cuyahoga County.⁷¹

Table 2: Fair Housing Complaints Filed with HUD in the Region from 1990 to 2014

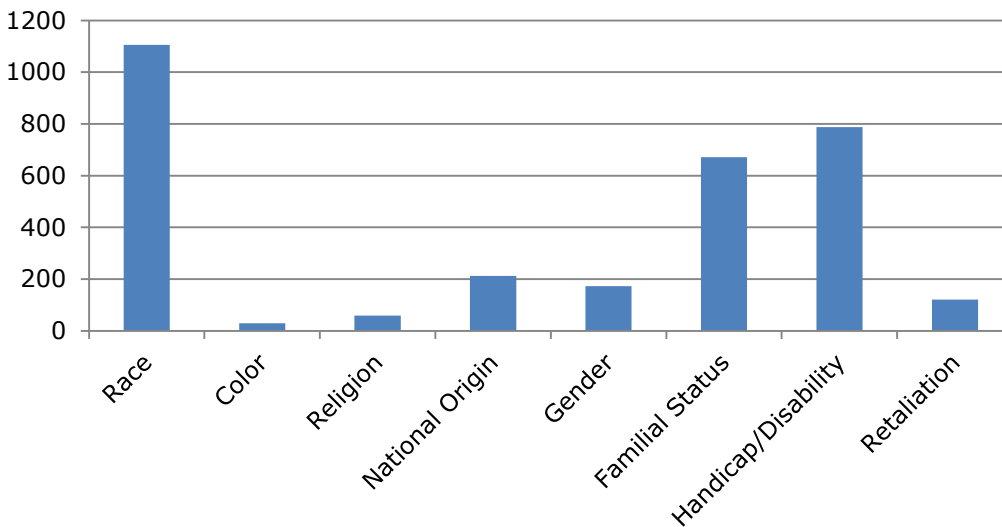
	Race	Color	Religion	National Origin	Gender	Familial Status	Handicap/ Disability	Retaliation	Total
1990	55	0	0	3	3	47	6	0	114
1991	68	1	0	8	8	32	17	0	134
1992	68	1	2	12	7	25	13	0	128
1993	88	0	2	11	11	30	31	1	174
1994	62	1	0	6	7	31	25	1	133
1995	47	1	2	2	7	22	18	1	100
1996	53	1	1	7	6	19	12	0	99
1997	28	0	1	12	1	7	19	2	70
1998	32	0	1	0	2	9	14	4	62
1999	35	1	4	2	6	14	22	6	90
2000	29	6	0	10	1	10	26	5	87
2001	17	1	2	4	1	14	19	4	62
2002	25	1	3	1	3	14	20	6	73
2003	57	0	3	13	6	20	43	10	152
2004	46	2	1	3	3	10	46	5	116
2005	44	3	5	8	3	13	52	21	149
2006	54	2	2	9	7	25	63	6	168
2007	41	2	2	10	9	21	25	4	114
2008	84	1	12	35	8	27	81	6	254
2009	56	1	0	16	20	90	36	7	226
2010	44	0	2	22	23	49	47	12	199
2011	20	0	2	4	7	68	40	2	143
2012	18	2	5	5	8	37	31	5	111
2013	34	2	7	9	16	37	81	13	199
2014	37	1	3	2	20	44	71	12	190
Total	1142	30	62	214	193	715	858	133	3347

Source: HRAC analysis of HUD Data

⁷⁰ For purposes of this report we considered each basis raised as a complaint. For details of the Housing Center's methodology see Appendix C.

⁷¹ County-level data is presented in Appendix B.

Figure 1: Fair Housing Complaints Filed with HUD in the Region from 1990 to 2014



Source: HRAC analysis of HUD Data

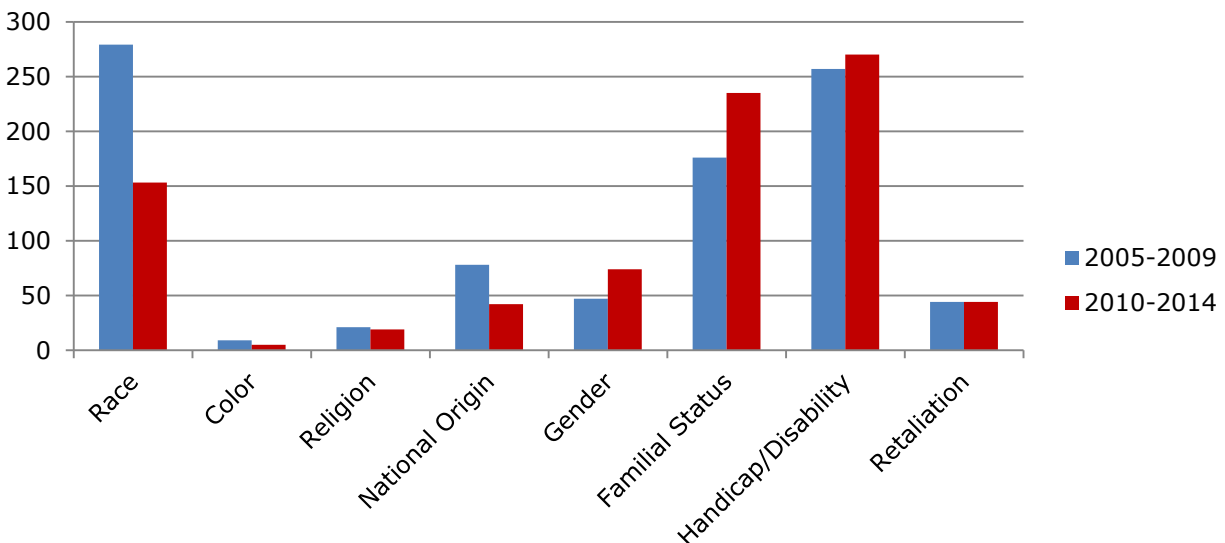
To compare rates of complaints across counties, the Housing Center undertook an analysis of the number of complaints filed in the region per 100,000 residents for the period of 1990 to 2014.⁷² During the 25-year period of 1990 to 2014, 6.05 complaints were filed on average per year per 100,000 people in the six-county region. Cuyahoga County had the highest incidence of fair housing complaints with 7.2 per 100,000 people. Lake County had the second highest incidence of fair housing complaints with 5.72 complaints per 100,000 people. Ashtabula, Lorain, and Medina Counties had incidences of complaints at 3.7, 3.26, and 3.55 per 100,000 people respectively, while Geauga County had the lowest incidence of fair housing complaints at 2.57 per 100,000. The difference in rates of cases filed in each county is likely due to a number of factors including the differential rates of discrimination, the racial and ethnic makeup of the region, the percentage of rental (as compared to owner-occupied) housing, housing mobility, and the presence or absence of fair housing organizations in the counties that might educate and assist victims of discrimination and conduct systemic testing.

⁷² County-level complaint data is presented in Appendix B.

Because of the possibility that any particular year could have an unusually large or small number of complaints filed in a given category or the number of complaints per category could change over time, the Housing Center examined the number of complaints filed in two five-year periods (2005-2009 and 2010-2014) to ascertain whether the types of complaints filed recently differed from those being filed earlier. This analysis revealed the following:

- In the last five years (2010-2014) there were 842 complaints filed with HUD, for an average of 168.4 complaints annually, down from 911 (182.2 annually) filed in the previous five year period (2005-2009);
- The most common bases of discrimination alleged in complaints filed in 2010-2014 were disability (32.1%), familial status (27.9%), and race (18.1%);
- The number of cases brought by race decreased by 45.1%, from 279 filed in 2005-2009 to 153 in 2010-2014. Proportionately, complaints based on race made up 18.1% of the cases from 2010-2014, down from 30.6% in 2005-2009;
- In the last five years the number of complaints based on disability increased 5.0% from 257 in 2005-2009 to 270 in 2010 to 2014;
- The number of complaints based of familial status increased 33.5% from 176 complaints in the period 2005-2009 to 235 complaints in the 2010-2014 period;
- From 2005-2009 to 2010-2014, complaints based on color decreased 44.4% (from 9 complaints to 5), complaints based on religion have decreased by 9.5% (from 21 complaints to 19), cases based on national origin decreased 46.1% (from 78 complaints to 42), and complaints based on gender increased by 57.4% (from 47 complaints to 74).

Figure 2: Fair Housing Complaints Filed Over 5-Year Periods



Source: HRAC analysis of HUD Data

IV. DEMOGRAPHICS OF THE REGION

Fair housing laws provide protection from discrimination to all members of our society, not only members of racial or ethnic minorities. For example, the prohibitions on race discrimination prohibit discrimination not only against African Americans or other racial minorities but against *any* person on account of his or her race. Likewise, the provisions on religious discrimination prohibit not only discrimination against members of minority religions but adherents to any religion (as well as those who are not religious).

While every individual in our society is provided with protection by fair housing laws, the history of discrimination in our country has demonstrated that members of minority groups; whether racial, religious, ethnic, national origin, or other; face discrimination most often and with the most severe consequences. Thus, the chances of a white individual facing racial discrimination are much lower than the chances of an African American (or Asian American) facing such discrimination. Accordingly, we provide below an overview of the demographics of the region, with a focus on its racial and ethnic make-up, as well as the characteristics of the population protected by federal and state fair housing laws.

A. Region Covered

This report covers the state of fair housing in Northeast Ohio. For purposes of this report, the area consists of the counties of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, and Medina because until 2000 it represented the Metropolitan Statistical Area (MSA) used by the U.S. Census Bureau to describe the region.⁷³

B. Population of the Region

From 1970 to 2010, the population of the area covered by this report has decreased by 9.94%, from 2,419,274 to 2,178,737, at a time when the population of the country as a whole increased 51.80%.⁷⁴ Changes in county-level populations have varied. Cuyahoga County experienced a loss of 25.63% of its population over five decades with the greatest losses coming from the City of Cleveland, especially its eastside neighborhoods, and inner-ring suburbs. All other counties experienced some growth ranging from 3.32% in Ashtabula County to 108.34% in Medina County.⁷⁵

Table 3: Population of Region by County

	1970	1980	1990	2000	2010	% Change 1970-2010
Ashtabula	98,237	104,215	99,821	102,728	101,497	+3.32%
Cuyahoga	1,721,300	1,498,400	1,412,140	1,393,978	1,280,122	-25.63%
Gauga	62,977	74,474	81,129	90,895	93,389	+48.29%
Lake	197,200	212,801	215,499	227,511	230,041	+16.65%
Lorain	256,843	274,909	271,126	284,664	301,356	+17.33%
Medina	82,717	113,150	122,354	151,095	172,332	+108.34%
Total	2,419,274	2,277,949	2,202,069	2,250,871	2,178,737	-9.94%

Source: U.S. Census

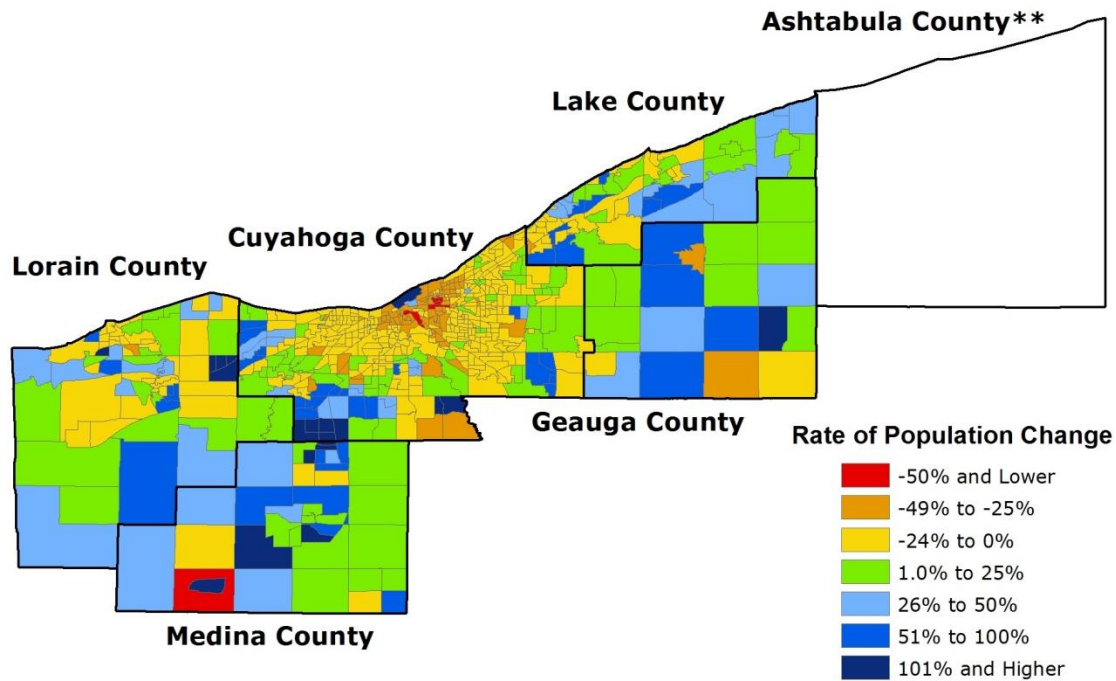
The following maps represent the rate of population change throughout the region from 1970 to 2010. The data is presented by census tract and demonstrates population movement in the region over the last four decades.

⁷³ In 1990, this area comprised the Cleveland-Elyria-Lorain Metropolitan Statistical Area (MSA). In 2000, the Census Bureau modified the MSA to remove Ashtabula County and renamed the region as the Cleveland-Elyria-Mentor MSA. We have included all six counties in this report to allow a comparison over time of the demographics, as well as the fair housing complaints, in the region.

⁷⁴ See U.S. Census Bureau, "Table 1. Population: 1790-1990," *1990 Census of Population and Housing*; U.S. Census: 2010.

⁷⁵ For data sources for all tables and charts, see Appendix E.

Figure 3: Rate of Population Change in the Region by Census Tract* from 1970 to 1980

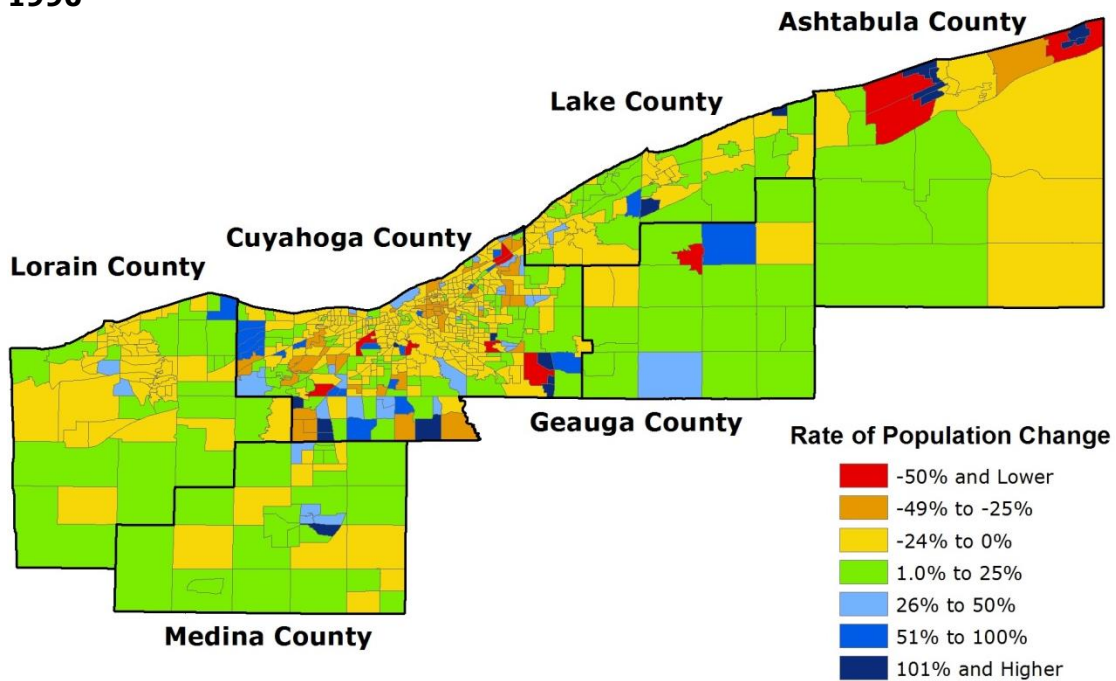


*Standardized to 2010 tracts using the US2010 Project Longitudinal Tract Data Base

**Ashtabula County not Tracted in 1970

Source: US2010 Project, U.S. Census

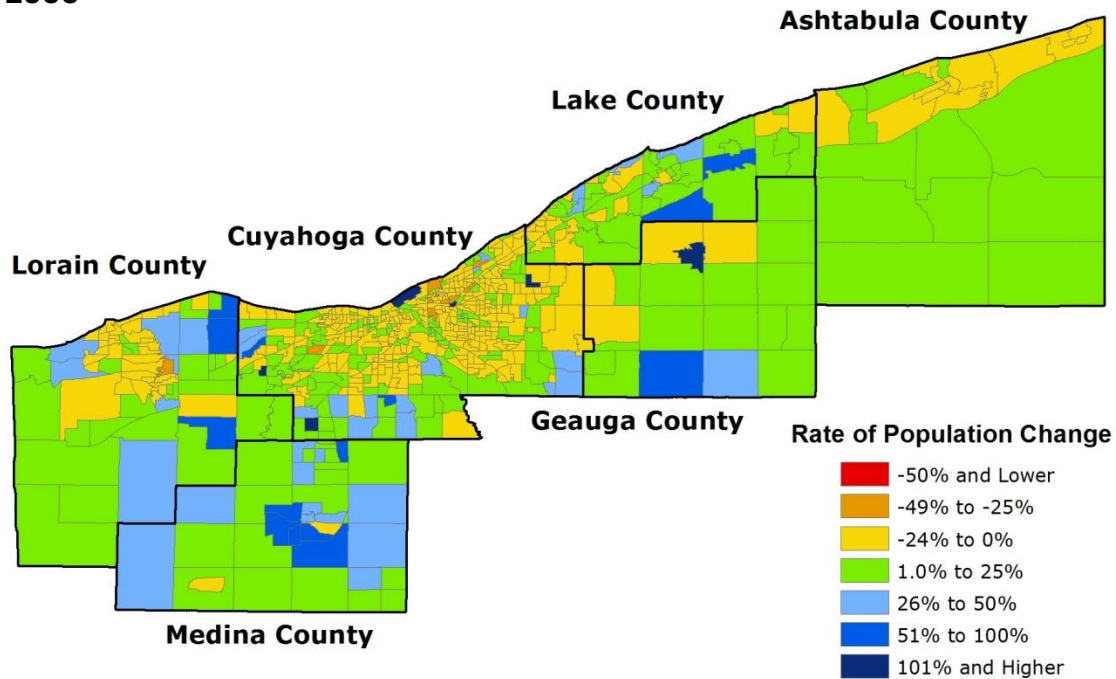
Figure 4: Rate of Population Change in the Region by Census Tract* from 1980 to 1990



*Standardized to 2010 tracts using the US2010 Project Longitudinal Tract Data Base

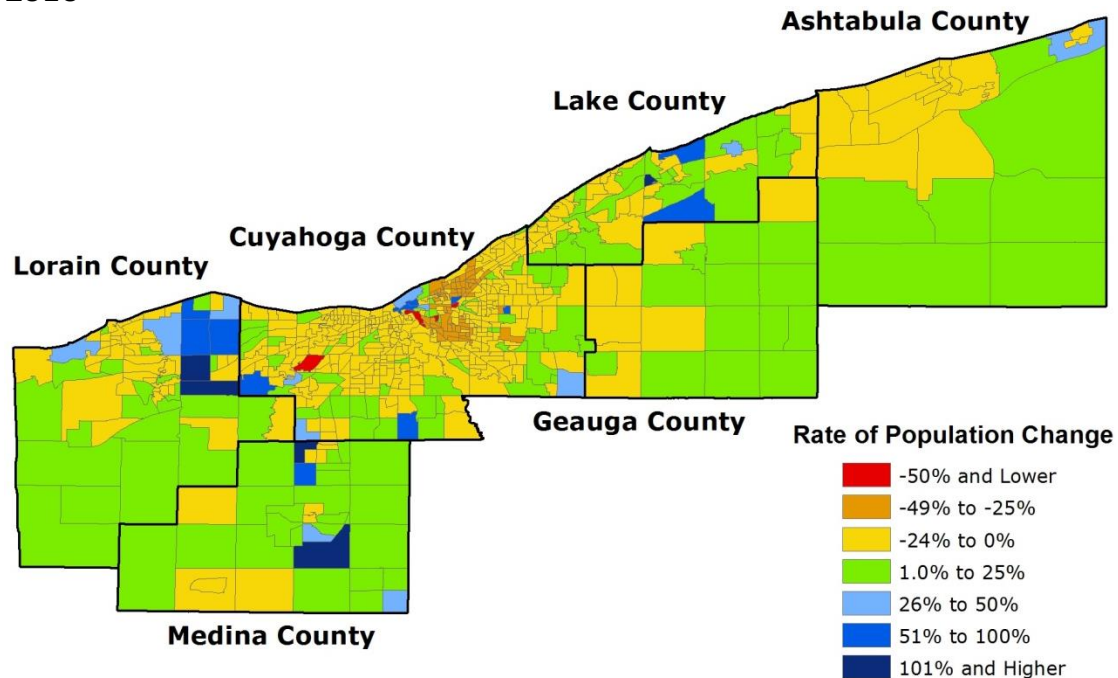
Source: US2010 Project, U.S. Census

Figure 5: Rate of Population Change in the Region by Census Tract* from 1990 to 2000



*Standardized to 2010 tracts using the US2010 Project Longitudinal Tract Data Base
Source: US2010 Project, U.S. Census

Figure 6: Rate of Population Change in the Region by Census Tract* from 2000 to 2010

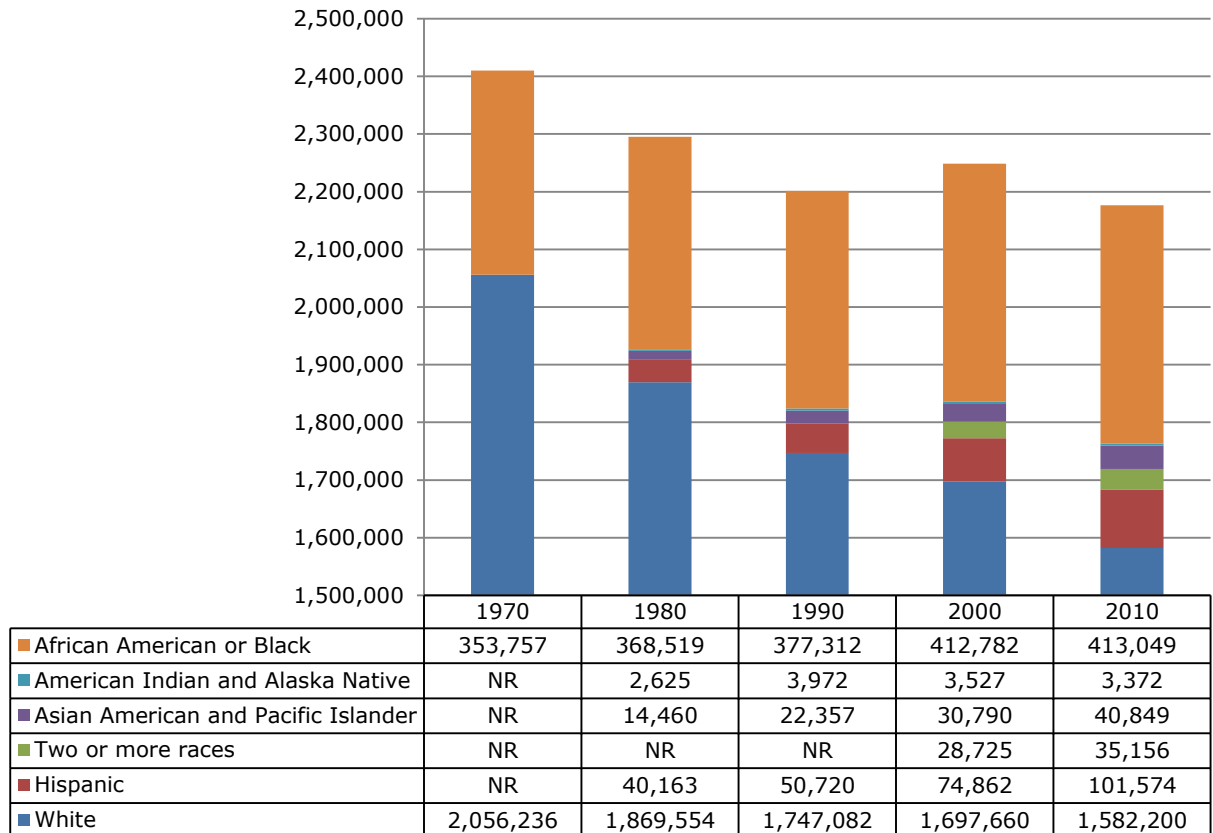


*Standardized to 2010 tracts using the US2010 Project Longitudinal Tract Data Base
Source: US2010 Project, U.S. Census

Race: Over the past 24 years, 35% of fair housing complaints were based on race. Overall, the racial makeup of the six-county region has become more diverse over the past 40 years. During this time period,

the percentage of the total population that is white has decreased from 85.0% in 1970 to 74.9% in 2010. The population of African Americans in Northeast Ohio has increased by 19% in this period from 14.6% of the total population to 19.3% while the number of Asian Americans and Pacific Islanders has tripled, increasing from 0.6% of the total population in 1980 to 1.9% in 2010. According to the Census Bureau, the Hispanic/Latino population of the region increased 153% from 1980 to 2010. As part of the total population, the Hispanic/Latino population increased from 1.8% in 1980 to 4.7% in 2010, with Lorain County (8.4%) and Cuyahoga County (4.8%) having the highest percentages.

Figure 7: Race and Ethnicity in Region



Source: U.S. Census

Foreign Born: The percentage of the total population that is foreign born population in the region (who would be protected under fair housing laws based on the prohibition of discrimination based on national origin) was 5.5% for the region in 2010, up slightly from the rate of 5.1% in 2000. The lowest rate of population that is foreign born was 1.6% in Ashtabula County and the highest rate was 7.0% in Cuyahoga County.

Table 4: Percent of Population that is Foreign Born

	2000		2010	
	Number	Percent	Number	Percent
Ashtabula	1,619	1.6	1,667	1.6
Cuyahoga	88,761	6.4	90,526	7.0
Geauga	2,553	2.8	1,646	2.8
Lake	9,746	4.3	12,099	5.3
Lorain	7,396	2.6	8,492	2.8
Medina	4,550	3.0	5,373	3.2
Total	114,625	5.1	119,803	5.5

Source: U.S. Census

Familial Status: In response to widespread discrimination against families with children, Congress amended the Fair Housing Act in 1988 to prohibit discrimination based on familial status.⁷⁶ In 2010, 29.9% of households in the region contained an individual under 18 years of age, ranging from a low of 28.4% in Cuyahoga County to a high of 35.3% in Medina County. In 2010, the percentage of households with individuals under 18 decreased in every county compared to 2000.

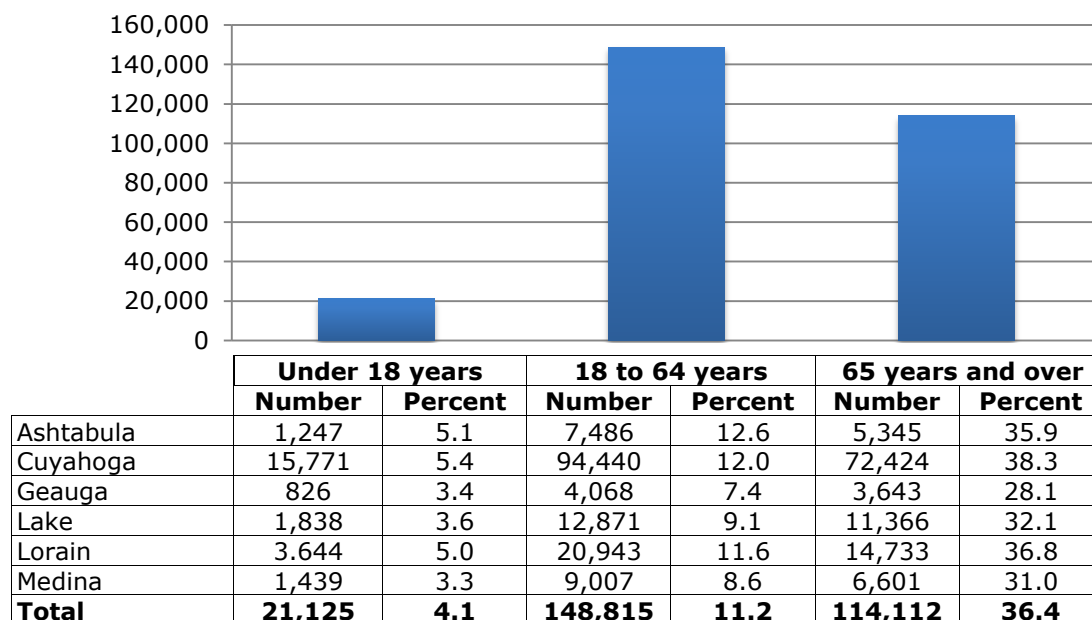
Table 5: Households with Individuals under 18

	2000		2010		% Change 2000-2010
	Number	Percent	Number	Percent	
Ashtabula	14,014	35.6	12,316	31.3	-12.12
Cuyahoga	180,906	31.7	154,582	28.4	-14.58
Geauga	12,339	39.0	11,515	33.6	-6.68
Lake	29,800	33.2	27,686	29.4	-7.09
Lorain	39,218	37.1	37,908	32.6	-3.34
Medina	21,771	39.9	22,966	35.3	+5.49
Total	298,048	33.4	266,973	29.9	-10.43

Source: U.S. Census

Disability: The 1988 amendments to the Fair Housing Act also prohibit discrimination based on handicap. Although the 1988 amendments use the term “handicap,” the term “disability” is now more commonly used and has the same legal definition. In 2010, 11.2% of the population between the ages of 18 and 64 had a disability, with a low of 7.4% in Geauga County and a high of 12.6% in Ashtabula County. For people 65 years of age and older, 36.4% of the population in the region was disabled, with a low of 28.1% in Geauga County and a high of 38.3% in Cuyahoga County. Among individuals under 18 years, 4.1% had a disability, with a low of 3.3% in Medina County and a high of 5.4% in Cuyahoga County.

Figure 8: Population with a Disability in Region in 2010



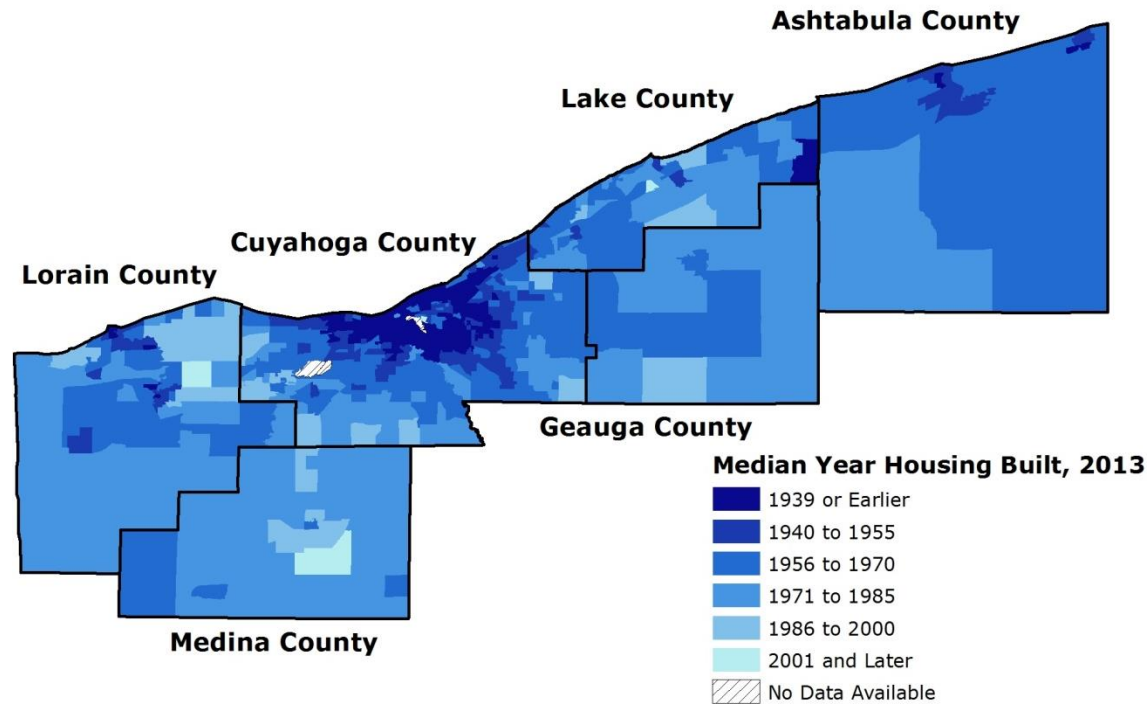
Source: U.S. Census.

In addition to prohibiting discrimination based on disability, the 1988 amendments to the Fair Housing Act also require that certain new multifamily housing be constructed with certain accessible features to ensure that people with disabilities have more housing options. While single-family housing is not required to meet these accessibility standards, newer single-family homes tend to be more accessible to

⁷⁶ The Fair Housing Amendment Act of 1988 became effective March 12, 1989. Pub. L. No. 100-430.

individuals with mobility or other physical challenges than older homes. Thus, the age of housing in a region is often an indication of the amount of housing that is potentially more accessible to these individuals. In Northeast Ohio, 16.6% of the housing stock was built 1990 or later, ranging from a low of 10.6% in Cuyahoga County to a high of 39.6% in Medina County. Additionally, 50.3% of the housing in the region was built prior to 1960, with a low of 23% for Medina County to a high of 59.9% for Cuyahoga County. Visitability and universal design, architectural design concepts for increasing accessible features in housing, can improve the accessibility of older single family homes.⁷⁷

Figure 9: Median Year Housing Built by Census Tract, 2013



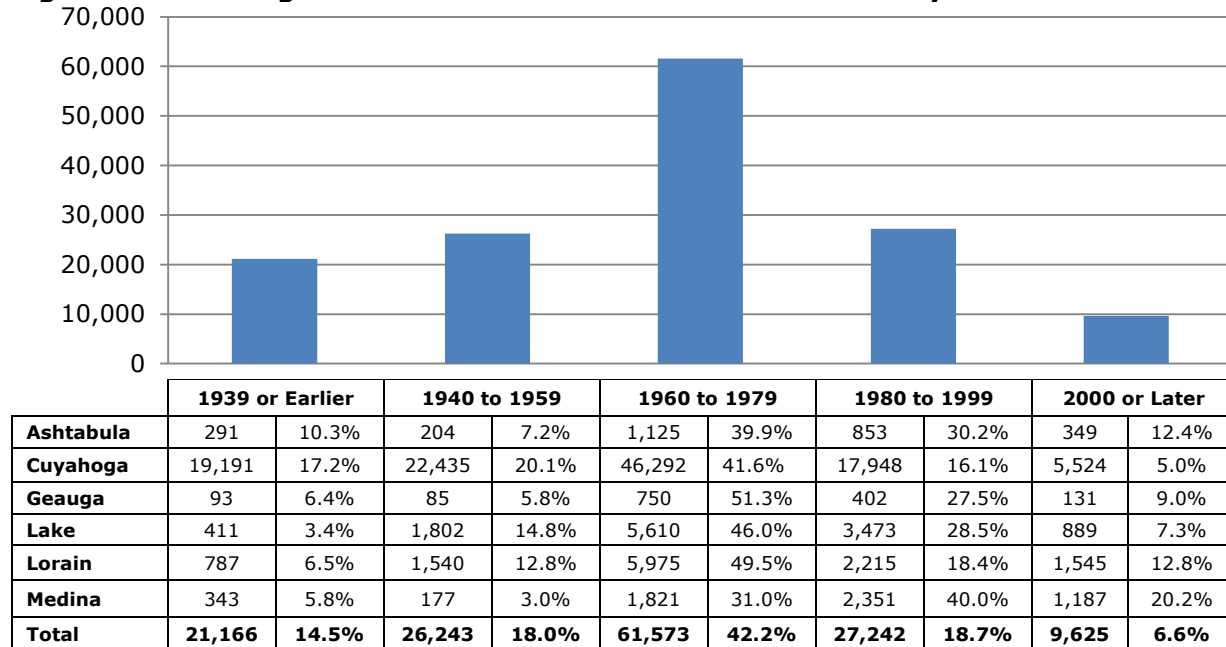
Source: U.S. Census

⁷⁷ For complete data see Table 14: Housing Built in Region by Decade, 2013 in Appendix E, page 48.

The 1988 amendments to the Fair Housing Act mandate that certain multi-family housing with four or more units built for first occupancy after March 13, 1991 be built to certain accessibility standards. Census data available on multi-family structures in the region gives an estimate of structures that may or may not be covered by the new construction requirements. The U.S. Census Bureau's 2012 American Community Survey data on multifamily housing structures is grouped by units in the following categories: 1 unit, 2 to 4 units, 5 to 19 units, 20 to 49 units, and 50 or more units. Due to the categorization of data, it is not possible to have the exact number of structures built for first occupancy after March 13, 1991 with 4 or more units that would be covered under new design and construction laws. However, general data indicates the majority of multi-family housing with 5 or more units was built before 1980.

In 2012, 74.7% (108,932 structures) of the housing structures in the region with 5 units or more were built before 1980; before the new design and construction requirements.

Figure 10: Housing Units in Structures with 5 or More Units by Year Built



Source: U.S. Census

V. RACIAL AND ETHNIC SEGREGATION IN NORTHEAST OHIO

Due to a long history of housing discrimination, the Cleveland-Elyria Metropolitan Statistical Area (includes Cuyahoga, Geauga, Lake, Lorain, and Medina Counties only) is ranked as one of the most racially and ethnically segregated areas in the United States. Segregation has a damaging effect on all members of a community. It polarizes regions on the bases of race and income. It prevents access to wealth and educational opportunities which has the effect of limiting job access and depressing housing values.⁷⁸

The Racial Dissimilarity Index is a measure of the distribution of individuals of one race compared to another race (usually the majority). Using the dissimilarity index, a score of 0 would represent a completely integrated distribution of individuals, while a score of 100 represent a completely segregated region where every member of the minority group would have to move in order to achieve complete integration. For 2010, the Racial Dissimilarity Index score, for African Americans (20.7% of the total population of the MSA) to white people for the MSA is 74.1 (above 60 is considered very high; the MSA is ranked 5th most segregated in the United States); meaning 74.1% of all African Americans would have to change residence to achieve equal distribution in the region.

Using the dissimilarity index for African Americans and whites, the Cleveland region has had little change in the past twenty years, moving from the fifth most-segregated area in the country in 1990, to the sixth in 2000, and back to the fifth most-segregated area in 2010 (Table 6 and Figure 11). During this period, the MSA's ranking on the dissimilarity index has improved slightly from a score of 82.8 in 1990 to 78.2 in 2000 to 74.1 in 2010.⁷⁹

The MSA's 2010 Isolation Index score for Black-Black, a measure of the concentration of a racial group by census tract, is 64.7; meaning the average African American lives in a Census tract that has a population that is 64.7% African American. The MSA's 2010 Index of Exposure to Other Groups score, a measure of the likelihood that a member of one race lives near members of another race, for Black-White is 29.2 while the White-Black score is 4.2; meaning the average African American lives in a Census tract that has a population that is 29.2% white and the average white person lives in a tract that is 4.2% African American.⁸⁰ In a fully integrated region a group's Isolation Index score and Index of Exposure to Other Groups score would be equal to the group's percentage of the total population.

While some these measures show a slight improvement for the region, the continued out-migration of population from the region, and from Cuyahoga County in particular, presents challenges for racial integration in the region. As many researchers have noted, the areas of the country that have shown the most gains in terms of residential integration have been those in the south and west that have experienced the largest population growth.⁸¹ In fact, of the 10 most segregated large metropolitan areas in 2010, all but one (Los Angeles) are in the Northeast or Midwest.

⁷⁸ John A. Powell, "Is Racial Integration Essential to Achieving Quality Education for Low-Income Minority Students, In the Short Term? In the Long Term?," *Poverty & Race*, September/October 1996.

⁷⁹ Population Studies Center, "New Racial Segregation Measures for Large Metropolitan Areas: Analysis of the 1990-2010 Decennial Census," University of Michigan <http://www.psc.isr.umich.edu/dis/census/segregation2010.html> (accessed August 21, 2014).

⁸⁰ US2010 Project, "Residential Segregation: Cleveland-Elyria-Mentor OH Metropolitan Statistical Area," <http://www.s4.brown.edu/us2010/segregation2010/msa.aspx?metroid=17460> (accessed August 21, 2014).

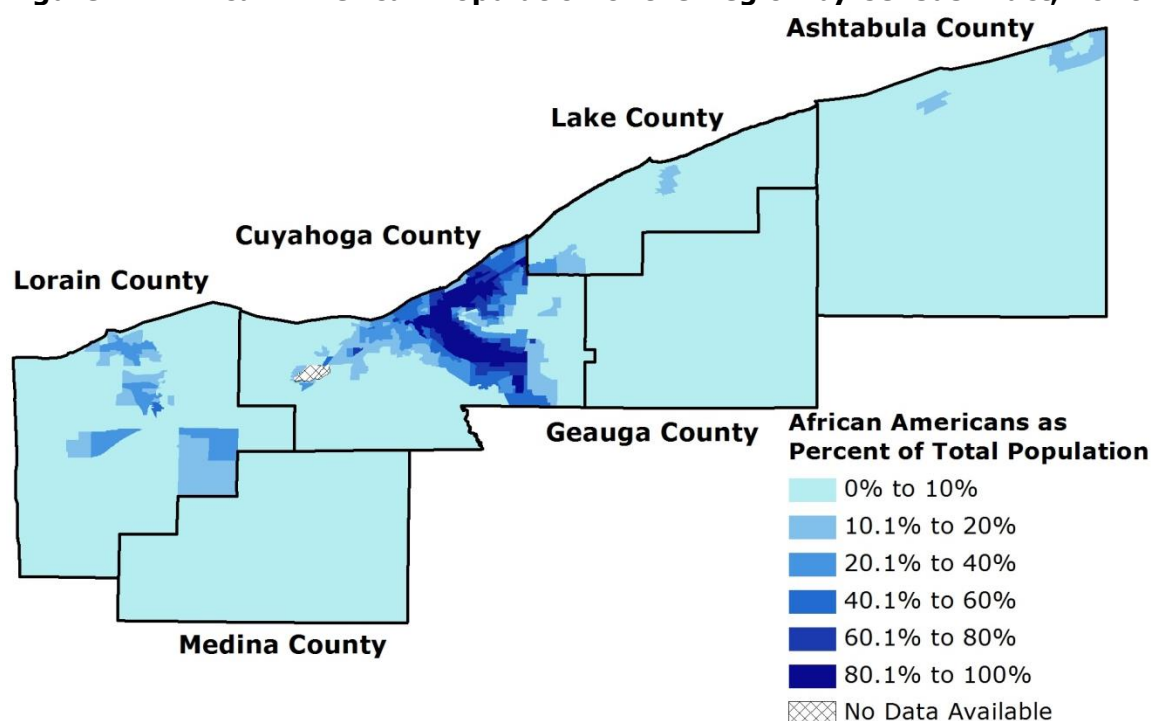
⁸¹ Robert L. Smith and David Davis, "Migration Patterns Hold Back Cleveland," *Plain Dealer*, December 30, 2002.

Table 6: Residential Segregation for African Americans in Large Metropolitan Areas Ranked by Dissimilarity Index

Rank	1990 MSA/PSA Name	2000 MSA/PSA Name	2010 MSA/PSA Name
1	Detroit	Detroit	Milwaukee-Waukesha
2	Chicago	Milwaukee-Waukesha	New York
3	Milwaukee-Waukesha	New York	Chicago
4	Newark	Newark	Detroit
5	Cleveland-Lorain-Elyria	Chicago	Cleveland-Lorain-Elyria
6	New York	Cleveland-Lorain-Elyria	Buffalo-Niagara Falls
7	Buffalo-Niagara Falls	Buffalo-Niagara Falls	St. Louis
8	St. Louis	Cincinnati	Cincinnati
9	Bergen-Passaic	St. Louis	Philadelphia
10	Philadelphia	Nassau-Suffolk	Los Angeles

Source: Population Studies Center/University of Michigan

Figure 11: African American Population of the Region by Census Tract, 2010



Source: U.S. Census

Segregated housing patterns affect the ability of African American families to build wealth through home ownership. A 2001 report sponsored by the Brookings Institute concluded that a “segregation tax” is imposed on African American homeowners due to the decreased value of property in predominantly minority neighborhoods.⁸² According to this report, the Cleveland area suffers from a “tax” of 24%, meaning that for each dollar of income, African American homeowners have 24% less in home values compared to whites with the same income. While this “tax” is not formally assessed or collected by any governmental body, the lower amount of wealth that African Americans are able to accumulate has a real effect on their wealth and the amount of money they can pass on to their children.

In the Cleveland-Elyria MSA, the 2010 Racial Dissimilarity Index score for Hispanics (4.7% of the total

⁸² Rusk, David, “The ‘Segregation Tax’: The Cost of Racial Segregation to Black Homeowners,” Washington, D.C.: Brookings Institution, October 2001.

population of the MSA) to white people is 52.3 (between 40 and 50 is considered a moderate level of segregation; the MSA ranked 20th most segregated in the United States); meaning 52.3% of all Latinos would have to change residence to achieve equal distribution (Table 7 and Figure 12).⁸³ The MSA's 2010 Isolation Index score for Hispanic-Hispanic is 17.3; meaning the average Latino lives in a Census tract that is 17.3% Latino. The MSA's 2010 Index of Exposure to Other Groups score for Hispanic-White was 61.5 while the White-Hispanic score is 4.0; meaning the average Latino lives in in a Census tract that is 61.5% white while the average white person lives in a tract that is 4.0% Latino.⁸⁴ In a fully integrated region a group's Isolation Index Score and Index of Exposure to Other Groups score would equal the group's percentage of the total population The Latino population (classified as an ethnic minority by the U.S. Census Bureau) is concentrated in the west-side neighborhoods of the City of Cleveland and the west-side, inner-ring suburbs (Figure 12). The Cleveland metropolitan area has gone from being the ninth most segregated for Hispanics in 1990, the eleventh most segregated in 2000, and the twentieth most segregated in 2010.

Table 7: Residential Segregation for Hispanics/Latinos in Large Metropolitan Areas Ranked by Dissimilarity Index

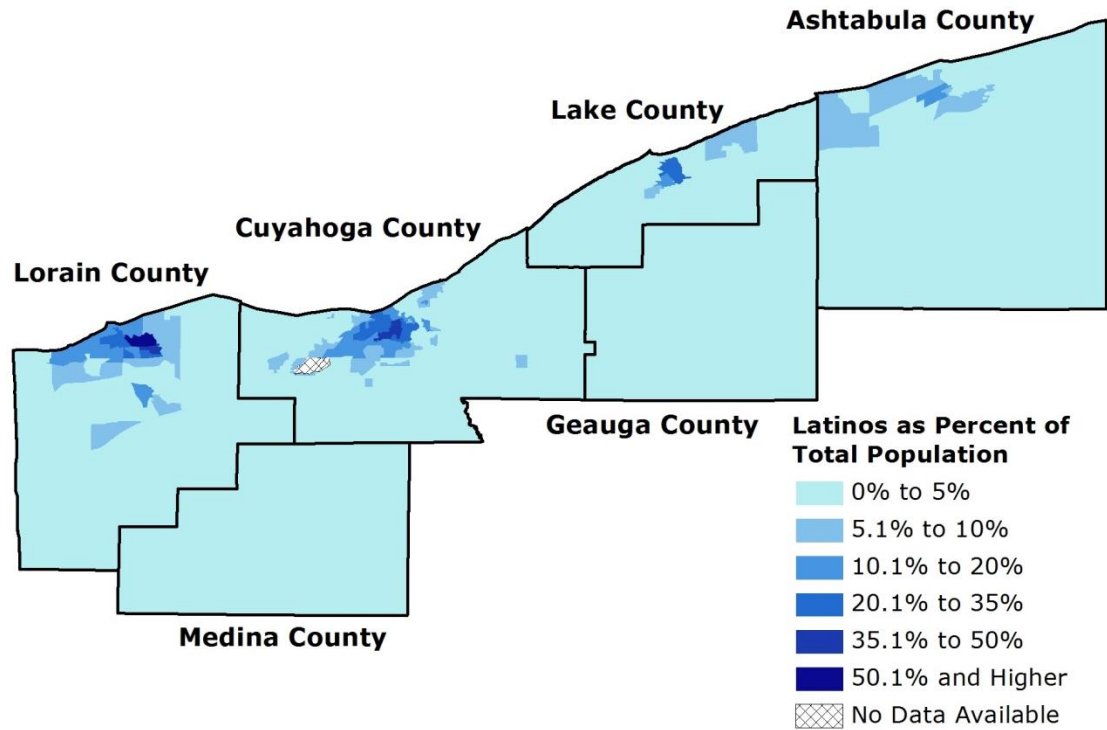
	1990	2000	2010
Rank	MSA/PMSA Name	MSA/PMSA Name	MSA/PMSA Name
1	Newark	Providence-Fall River-Warwick	Springfield, MA
2	Hartford	New York	Los Angeles-Long Beach
3	New York	Newark	New York
4	Philadelphia	Hartford	Providence-New Bedford-Fall River
5	Chicago	Los Angeles-Long Beach	Boston
6	Providence-Fall River-Warwick	Chicago	Bridgeport-Stamford-Norwalk, CT
7	Los Angeles-Long Beach	Philadelphia	Hartford-West, Hartford-East Hartford, CT
8	Bergen-Passaic	Milwaukee-Waukesha	Miami
9	Cleveland-Lorain-Elyria	Boston	Milwaukee-Waukesha
10	Milwaukee-Waukesha	Bergen-Passaic	Chicago
11	Boston	Cleveland-Lorain-Elyria	Allentown-Bethlehem-Easton, PA-NJ
12	San Antonio	Houston	Philadelphia
13	Miami	Orange County	Oxnard-Thousand Oaks-Ventura, CA
14	Orange County	Dallas	New Haven-Milford, CT
15	Dallas	San Francisco	Lancaster, PA

Source: Population Studies Center of the University of Michigan

⁸³ Population Studies Center, "New Racial Segregation Measures for Large Metropolitan Areas: Analysis of the 1990-2010 Decennial Census," University of Michigan <http://www.psc.isr.umich.edu/dis/census/segregation2010.html> (accessed August 21, 2014).

⁸⁴ US2010 Project, "Residential Segregation: Cleveland-Elyria-Mentor OH Metropolitan Statistical Area," <http://www.s4.brown.edu/us2010/segregation2010/msa.aspx?metroid=17460> (accessed August 21, 2014).

Figure 12: Latino Population of the Region by Census Tract, 2010



Source: U.S. Census

VI. FAIR LENDING IN NORTHEAST OHIO

In the past, lending institutions engaged in discrimination against racial and ethnic minorities and in “redlining,” in which individuals living in minority neighborhoods were denied access to mortgage credit. Although discrimination in mortgage lending and redlining were made illegal by the Fair Housing Act in 1968 and by Ohio law.

The Home Mortgage Disclosure Act (HDMA) requires some lenders to publically disclose information on mortgage lending. The following is an analysis of HDMA data for 2012 and 2013 for the Cleveland-Elyria Metropolitan Statistical Area; which includes Cuyahoga, Geauga, Lake, Lorain, and Medina Counties (Ashtabula County has been removed from the Cleveland-Elyria MSA by the Office of Management and Budget); focusing on race or ethnicity and the household income of individuals seeking mortgages or refinance loans.

Figures 13 and 14 show home purchase denial rates for individuals in the Cleveland-Elyria MSA by race and income for 2012 and 2013 respectively. African Americans were denied mortgages at the highest rates both years (23.7% for 2012, 23.4% for 2013), more than twice the rate of whites (10.7% for 2012, 10.4% for 2013). Upper income African Americans were denied at rates (21.8% for 2012, 21.0% for 2013) higher than low income whites for both years (20.1% for 2012, 20.8% for 2013) at more than twice the rate of upper income whites (8.4% for 2012, 7.8% for 2013).

Figure 13: Denial Rates of Home Purchase Loans, 2012

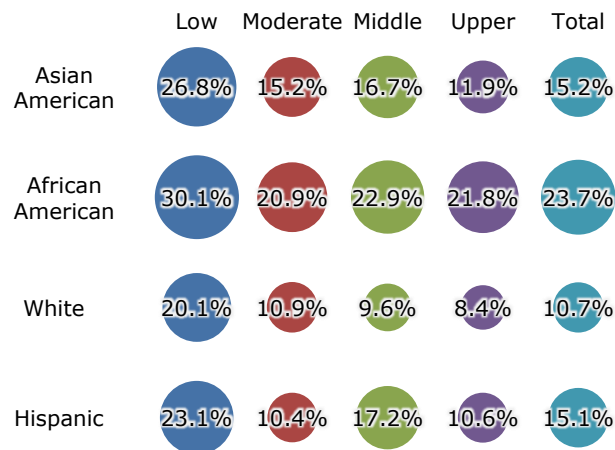
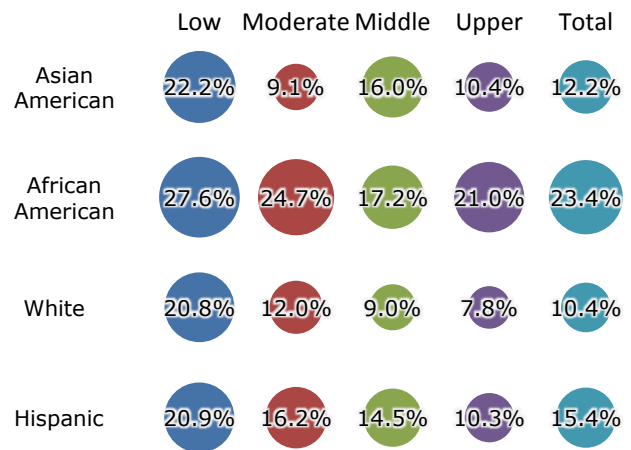


Figure 14: Denial Rates of Home Purchase Loans, 2013



(Source: 2012-2013 HDMA Data)⁸⁵

⁸⁵ See Table 15 on page 48.

Figures 15 and 16 show refinance loan denial rates for individuals in the Cleveland-Elyria MSA by race and income for 2012 and 2013 respectively. African Americans were denied at the highest rate both years (49.1% for 2012, 48.2% for 2013). In 2012, upper income African Americans were denied at a rate (44.5%) more than twice the rates of upper income Asian Americans and whites (20.5% and 21.6% respectively). In 2013, African Americans were denied at a rate (43.2%) more than twice that of upper income Asian Americans and whites (21.1% and 21.6% respectively).

Figure 15: Denial Rates of Refinance Loans, 2012

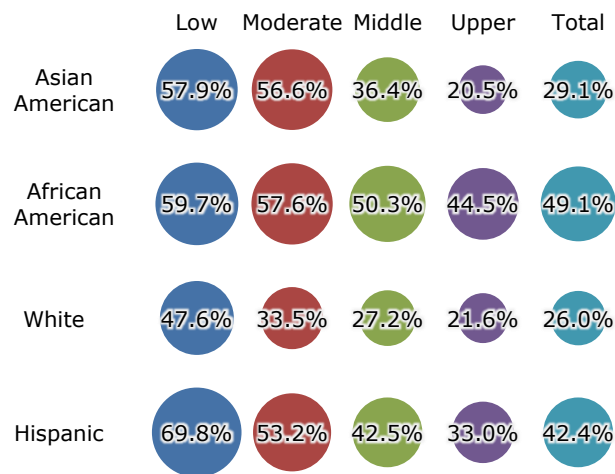
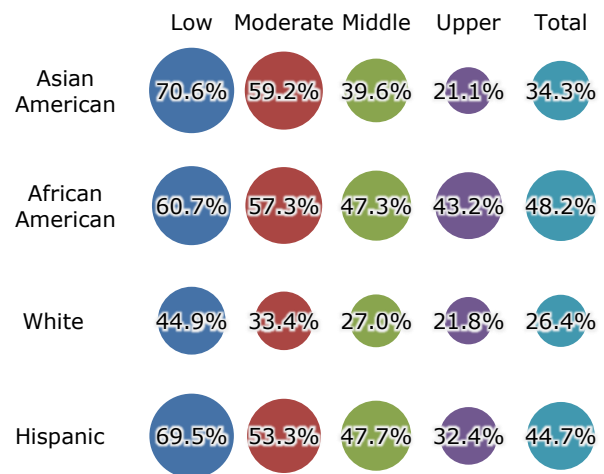


Figure 16: Denial Rates of Refinance Loans, 2013



(Source: 2012-2013 HDMA Data)⁸⁶

⁸⁶ See Table 16 on page 49.

Figures 17 and 18 show the rates of high cost home purchase loans made to individuals in the Cleveland-Elyria MSA by race and income for 2012 and 2013 respectively. In both years, African Americans received high cost home purchase loans at the highest rate (10.1% for 2012, 20.3% for 2013). In 2012, upper income African Americans received high cost loans at a rate (6.0%) four times more than Asian Americans (1.0%), whites (1.5%), and Hispanics (1.1%). In 2013, one-fifth of all mortgages issued to African Americans were high cost. African Americans were more than twice as likely to receive a high cost mortgage as whites at every income level.

Figure 17: Rate of High Cost Home Purchase Loans, 2012

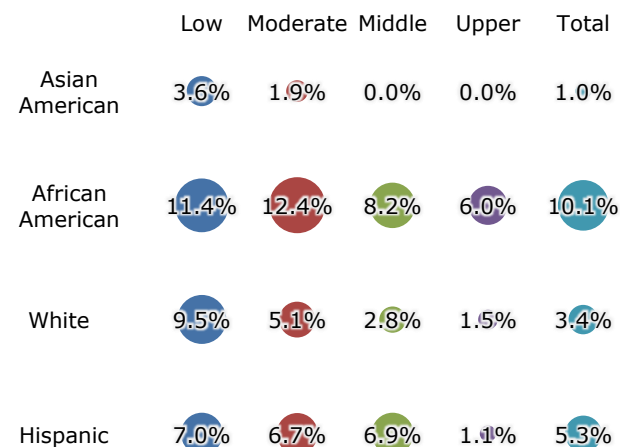
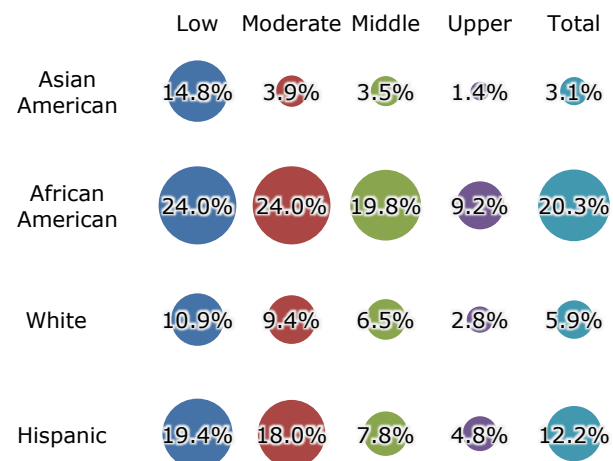


Figure 18: Rate of High Cost Home Purchase Loans, 2013



(Source: 2012-2013 HDMA Data)⁸⁷

⁸⁷ See Table 17 on page 49.

Figures 19 and 20 show rates of high cost refinance loans for individuals in the Cleveland-Elyria MSA by race and income for 2012 and 2013 respectively. African Americans received high cost refinance loans at the highest rate both years (7.7% for 2012, 6.8% for 2013). In 2012, low and moderate income Asian Americans, African Americans, and Hispanics were more than twice as likely as low and moderate income whites to receive high cost refinance loans. In 2013, upper income African Americans received high cost refinance loans at a higher rate than low income whites.

Figure 19: Rates of High Cost Refinance Loans, 2012

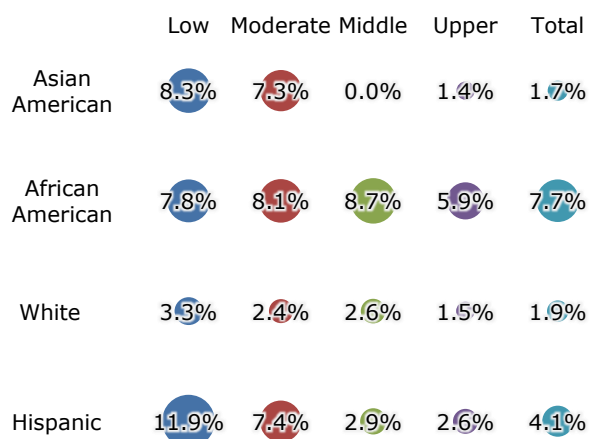
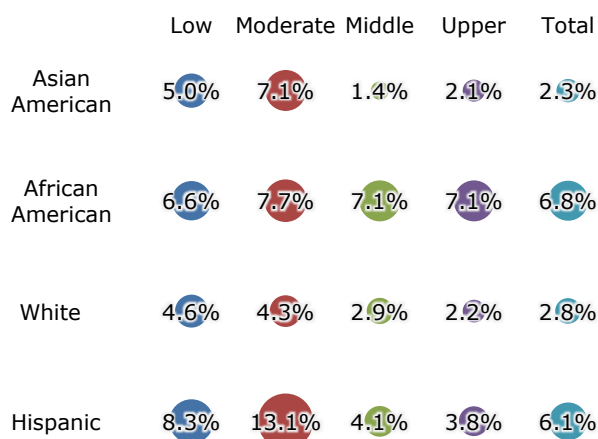


Figure 20: Rates of High Cost Refinance Loans, 2013



(Source: 2012-2013 HDMA Data)⁸⁸

⁸⁸ See Table 18 on page 49.

VII. RECOMMENDATIONS

Racial and other forms of housing discrimination and segregation continue to be prevalent in Northeast Ohio and most of the country despite the passage of the Fair Housing Act forty-seven years ago. Although residents have benefitted from the protections of the federal, state, and local fair housing laws, housing discrimination continues and communities in Northeast Ohio remain significantly segregated. The ongoing impact of segregation, illustrated by dissimilarity indices and “segregation taxes,” continues to contribute to disparities in the accumulation of wealth and lost social opportunities by racial and ethnic minorities.

Housing discrimination affects whether or not an individual will be able to rent a given apartment or purchase a particular house, and it also significantly affects people’s lives in many other areas including what type of city and neighborhood they can live in; the schools their children attend; their access to transportation, jobs, public services; and the amount of wealth they are able to build from equity in their homes.

This report outlines several areas in which our region has significant work to do to affirmatively further fair housing. There are concrete steps that government officials and others can take that will have a positive impact on the state of fair housing in the region. To help accomplish this goal, the Housing Research & Advocacy Center recommends the following:

- 1) **Strengthen fair housing laws.** Local housing laws should protect a broader class of individuals than are currently protected by federal and state law.
 - Prohibit discrimination based on age, gender identity, marital status, sexual orientation, and victims of domestic violence.
 - Protect consumers based on source of income, to ensure that individuals who use housing subsidies (including “Housing Choice vouchers”) are not discriminated against on that basis. Adding protection based on source of income is one step that local and regional governments can take to help ensure that economic segregation does not replace the racial discrimination that we currently suffer.
 - Adopt state and local visitability ordinances to expand the protection of fair housing laws for people with disabilities to enable them to visit other residents living in single family homes.

As was noted above, a series of decisions made in the past several years by state Courts of Appeals have narrowed the rights and remedies provided under Ohio’s fair housing law. These decisions threaten Ohio’s “substantially equivalency” status, through which the state receives over \$1 million per year from HUD to investigate and process fair housing cases in Ohio, limit the rights of Ohio citizens to bring fair housing cases, and limit the ability of the courts to issue appropriate remedies under state law.

- 2) **Conform local ordinances to Ohio law and eliminate exemptions for small housing providers.** The single-family home and Mrs. Murphy exemptions appear in a number of fair housing ordinances in cities and villages with additional protected classes. The effect of the Mrs. Murphy exemption in local fair housing ordinances is that small housing providers may be exempt from claims of housing discrimination on the basis of a protected class afforded only under local law. Cities and villages who amend their ordinances and expand protections and prohibit discrimination on additional bases effectively do so for some, but not all housing transactions and for some, but not all properties. This could have a particular impact on communities that have a large number duplex, quadruplex, and single-family homes.

- 3) **Review and revise local nuisance ordinances to ensure that they do not penalize victims of domestic violence, dating violence, stalking, and sexual assault.** Women comprise 76% of all victims of domestic violence, making women much more likely to be victims of domestic violence than men.⁸⁹ Nuisance ordinances that include domestic violence have a disproportionate impact on women. When a facially neutral policy is applied consistently across the population and has an unequal, negative impact on a protected class this can be considered discrimination under the legal theory of disparate impact.⁹⁰ Enforcement of nuisance ordinances can lead to evictions.

Once a person has an eviction record it is much more difficult to obtain housing. Victims of domestic violence may not have the immediate financial means available to secure housing, and therefore, many victims of domestic violence face homelessness upon eviction.⁹¹ Threats of eviction or a nuisance citation may also cause a victim to avoid calling the police for assistance; fearing a phone call for help could jeopardize their current and future housing options.

- 4) **Support statewide legislation to protect victims of domestic violence, stalking, and sexual assault from housing discrimination.** Thirty-three states across the nation have enacted laws to protect victims of domestic violence in private rental housing. Ohio is not currently one of those states. Legislation was introduced in the Ohio House most recently in 2013.
- 5) **Oppose Ohio Senate Bill 134 which limits damages, deters victims of housing discrimination from filing complaints, and exempts small housing providers from coverage.** On March 24, 2015, Senate Bill 134 (SB 134) was introduced to the Ohio State Senate (2015-2016 session). The bill would completely eliminate the OCRC's ability to award punitive damages (intended to punish housing providers engaging in discrimination). Instead, it would allow the OCRC to award actual damages and assess civil penalties (intended to compensate the victims of discrimination) which would be capped at even lower rates than the punitive damages of SB 349 (the 2014-2015 iteration of the bill). Under SB 134 fair housing organizations would no longer be prohibited from collecting damages. Instead, fair housing organizations will likely be compensated out of a smaller fund for any work they provided in bringing a housing discrimination complaint. SB 134 would allow prevailing parties to collect attorney's fees as in SB 349.⁹² HUD has stated that this law will have a detrimental effect on fair housing in Ohio.⁹³
- 6) **Review restrictive language in group home zoning ordinances.** Remove minimum distance requirements for group homes or provide a process to make reasonable accommodations in choosing group locations. Remove language that excludes residents on the basis of disabilities such as drug and alcohol addiction and communicable diseases or allow group home administrators to decide when a resident does or does not pose a health or safety threat to other residents on a case-by-case basis. Reconsider blanket exclusions on people with criminal histories or allow group home administrators to decide when a resident does or does not pose a health or safety threat to other residents on a case-by-case basis.

⁸⁹ Jennifer L. Truman and Rachel E. Morgan, "Nonfatal Domestic Violence, 2003-2012," *U.S. Department of Justice, Office of Justice, Bureau of Justice Statistics* (2014).

⁹⁰ "Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act (FHA) and the Violence Against Women Act (VAWA)," *U.S. Department of Housing and Urban Development*, 2011.

⁹¹ Anne Menard. "Domestic Violence and Housing: Key Policy and Program Challenges," *Violence Against Women* 7 no. 6 (2001).

⁹² Ohio General Assembly. Senate. Senate Bill No. 134. 131st General Assembly Regular Session 2014-2015 (March, 24, 2015).

⁹³ Lynn M. Grosso, letter from Lynn M. Grosso to G. Michael Payton, August 26, 2014.

- 7) **Thoughtfully research and utilize regional analysis of impediments to fair housing choice report.** HUD has been moving toward funding regions to research barriers to fair housing choice on a regional level rather than municipal or county level as has been typically done in the past. In 2012, the Northeast Ohio Sustainability Communities Consortium Initiative (NEOSCC) was mandated by HUD to conduct an AI in the 12-county region of Northeast Ohio (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Mahoning, Medina, Portage, Summit, Stark, Trumbull, and Wayne).

Because of so much variation in communities across the region (Northeast Ohio encompasses everything from a major metropolitan city to rural farmland), the AI must be written and utilized with care. The NEOSCC, policy makers, and housing agencies must strategize concrete ways the AI can best be put into practice and what must be done to ensure that municipalities affirmatively further fair housing.

- 8) **Enforce fair housing laws more vigorously to “affirmatively further fair housing.”** While having strong laws is important, without vigorous enforcement, housing discrimination will continue.

Housing discrimination is not always easy to detect. Discrimination now often occurs in more subtle forms than before, such as refusing to return telephone calls from individuals with African American dialects or speech patterns, falsely stating that an available dwelling is no longer available, or changing the terms or conditions of a home purchase or rental based on a protected characteristic. African American men who have been incarcerated are disparately impacted by denial of housing based on their criminal history after serving their debt to society. This discrimination prevents their productive reentry into the community.

Immigrants and individuals with limited English proficiency experience similar discrimination based upon “citizenship” questions and often fear the repercussions of reporting discrimination.

It is the responsibility of federal, state, and local governments to work to ensure that all residents have a fair opportunity to rent and purchase housing in cities and neighborhoods they desire. Moreover, it is a legal obligation of governments that receive Community Development Block Grant (CDBG) and other HUD funds to take actions that “affirmatively further fair housing.”⁹⁴ Local and county governments throughout the region can do more to meet their obligations under the law.

A vigorous enforcement strategy should include an adequate testing program to ensure that discrimination is both deterred and detected. In cases where housing discrimination is found, governments must take strong action to ensure that laws are enforced.

The Fair Housing Act’s accessibility provisions for multi-family housing have been in place for over 19 years, but new housing is still being built in violation of these provisions. Governments at all levels must ensure that these requirements are complied with to ensure that the region’s housing stock becomes more accessible.

- 9) **Support and adequately fund the Consumer Financial Protection Bureau to protect the public from abusive and unfair financial products and services.** The CFPB was designed to promote financial education for consumers; supervise banks, credit unions, and financial companies; enforce federal consumer protection laws; and research consumer behavior. The Housing Center strongly supports efforts to ensure that the CFPB has sufficient resources to adequately investigate and enforce anti-discrimination and consumer protection laws to ensure

⁹⁴ In February 2009, U.S. District Court Judge Denise Cote held that Westchester County, New York, had submitted “false or fraudulent” claims to the government and “utterly failed” to meet its obligation to affirmatively further fair housing over a period of years. *United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc., v. Westchester County, New York*, (S.D.N.Y. February 24, 2009).

that discrimination is not occurring in the mortgage and financial services industries.⁹⁵ The Housing Center supports the efforts of the CFPB to expand the categories of data reported through the Home Mortgage Disclosure Act (HMDA).

- 10) **Devote increased resources to educating housing providers and professionals, as well as the public at large, regarding fair housing laws.** While most individuals likely know that discrimination based on race or religion in housing is illegal, some housing providers are still unaware that discrimination based on familial status and handicap/disability are prohibited. The Housing Center continues to uncover new multi-family housing that does not comply with federal and state accessibility requirements.⁹⁶ Additionally, many victims of housing discrimination are unaware of their rights under federal, state, and especially local laws and of the procedures they may use to vindicate those rights. Increased resources should be devoted to education on fair housing laws and procedures.
- 11) **Provide government incentives to help achieve housing integration.** Forty-seven years after the passage of the Fair Housing Act, we continue to live in a region that is highly segregated, particularly for African Americans. At the current rate of “progress,” it will take decades for the region to become integrated. Governments should develop creative mechanisms to help address housing discrimination, possibly including the use of financial incentives for individuals making diversifying moves. For example, tax incentives, such as a state tax credit or down payment assistance could be offered to individuals who make a racially diversifying move.

Local land use codes and regulations must be examined and revised to ensure both that individuals and groups are not discriminated against and that such policies do not exacerbate regional sprawl, further weakening our region and worsening economic, racial, and ethnic segregation.

As the housing market reaches a “new normal” it is time to evaluate current practices and develop effective solutions to eliminate segregation and promote diverse communities. While these recommendations are broad and will require investment of time and resources, the Housing Center believes that they will strengthen our region and benefit the entire community, making our region not only more just and equitable but economically stronger.

⁹⁵ The Housing Center conducts an annual analysis of race and ethnicity in Ohio mortgage lending. The most recent report, examining 2010 mortgage lending data, found continued racial and ethnic disparities throughout Ohio. See Housing Research & Advocacy Center, “Racial and Ethnic Disparities in 2010 Mortgage Lending,” available at <http://www.thehousingcenter.org/Publications/Research-Reports.html>.

⁹⁶ See HRAC, “Housing Group, Ohio Civil Rights Commission Settles Federal Housing Discrimination Suit with Cleveland Developers, Architects: Defendants Agree to Make Units in Stonebridge Complex Accessible to Persons with Disabilities,” June 13, 2011. Available at <http://www.thehousingcenter.org/Publications/PressReleases.html>

Appendix A: Population Data by County

Table 8: Race of Population: Ashtabula County

	1970		1980		1990		2000		2010	
	Number	%	Number	%	Number	%	Number	%	Number	%
White	95,372	97.0	100,129	96.1	95,465	95.6	96,635	94.1	94,041	92.7
African American or Black	2,652	2.7	3,060	2.9	3,138	3.1	3,247	3.2	3,586	3.5
American Indian and Alaska Native	NR	NR	160	0.2	196	0.2	195	0.2	241	0.2
Asian and Pacific Islander	NR	NR	317	0.3	350	0.4	371	0.4	397	3.9
Two or more races	NR	NR	NR	NR	NR	NR	1,402	1.4	2,146	2.1

Source: U.S. Census

Table 9: Race of Population: Cuyahoga County

	1970		1980		1990		2000		2010	
	Number	%	Number	%	Number	%	Number	%	Number	%
White	1,383,749	80.4	1,129,966	75.4	1,025,756	72.6	938,863	67.4	814,103	63.6
African American or Black	328,419	19.1	341,003	22.8	350,185	24.8	382,634	27.4	380,198	29.7
American Indian and Alaska Native	NR	NR	1,644	0.1	2,533	0.2	2,529	0.2	2,578	0.2
Asian and Pacific Islander	NR	NR	11,470	0.8	18,085	1.3	25,583	1.8	33,168	2.6
Two or more race	NR	NR	NR	NR	NR	NR	23,407	1.7	26,736	2.1

Source: U.S. Census.

Table 10: Race of Population: Geauga County

	1970		1980		1990		2000		2010	
	Number	%	Number	%	Number	%	Number	%	Number	%
White	61,951	98.4	73,133	98.2	79,629	98.2	88,553	97.4	90,514	96.9
African American or Black	873	1.4	990	1.3	1,056	1.3	1,110	1.2	1,198	1.3
American Indian and Alaska Native	NR	NR	34	0.0	83	0.1	69	0.1	75	0.1
Asian and Pacific Islander	NR	NR	239	0.3	312	0.4	395	0.4	568	0.6
Two or more races	NR	NR	NR	NR	NR	NR	645	0.7	788	0.8

Source: U.S. Census

Table 11: Race of Population: Lake County

	1970		1980		1990		2000		2010	
	Number	%	Number	%	Number	%	Number	%	Number	%
White	193,993	98.4	207,995	97.7	209,879	97.4	217,041	95.4	212,713	92.5
African American or Black	2,634	1.3	2,944	1.4	3,528	1.6	4,527	2.0	7,306	31.8
American Indian and Alaska Native	NR	NR	202	0.1	250	0.1	251	0.1	273	0.1
Asian and Pacific Islander	NR	NR	1,152	0.5	1,447	0.7	2,089	0.9	2,646	1.2
Two or more races	NR	NR	NR	NR	NR	NR	2,098	0.9	3,526	1.5

Source: U.S. Census

Table 12: Race of Population: Lorain County

	1970		1980		1990		2000		2010	
	Number	%	Number	%	Number	%	Number	%	Number	%
White	239,252	93.2	246,516	89.7	241,549	89.1	243,514	85.5	255,410	84.8
African American or Black	17,491	6.8	19,813	7.2	21,230	7.8	24,203	8.5	25,799	8.6
American Indian and Alaska Native	NR	NR	451	0.2	738	0.3	845	0.3	883	0.3
Asian and Pacific Islander	NR	NR	972	0.4	1,479	0.5	1,777	0.6	2,860	0.9
Two or more races	NR	NR	NR	NR	NR	NR	6,165	2.2	8,994	3.0

Source: U.S. Census

Table 13: Race of Population: Medina County

	1970		1980		1990		2000		2010	
	Number	%	Number	%	Number	%	Number	%	Number	%
White	81,919	99.0	111,815	98.8	120,504	98.5	146,956	97.3	165,642	96.1
African American or Black	688	0.8	709	0.6	850	0.7	1,323	0.9	2,027	1.2
American Indian and Alaska Native	NR	NR	134	0.1	172	0.1	232	0.2	247	0.1
Asian and Pacific Islander	NR	NR	310	0.3	684	0.6	994	0.7	1,678	1.0
Two or more races	NR	NR	NR	NR	NR	NR	1,215	0.8	2,086	1.2

Source: U.S. Census

Table 14: Housing Built in the Region by Decade, 2013

	Ashtabula		Cuyahoga		Geauga		Lake		Lorain		Medina		Total	
Year Built	#	%	#	%	#	%	#	%	#	%	#	%	#	%
2010 or Later	89	0.2	1,102	0.2	101	0.3	605	0.6	645	0.5	389	0.6	2,931	0.3
2000-2009	3,662	8.0	26,308	4.2	4,122	11.3	8,363	8.3	17,950	14.1	13,126	18.9	73,531	7.3
1990-1999	4,915	10.7	34,008	5.5	5,826	15.9	11,954	11.8	14,241	11.2	13,406	19.3	84,350	8.4
1980-1989	2,944	6.4	33,801	5.5	4,533	12.4	10,027	9.9	7,987	6.3	7,070	10.2	66,362	6.6
1970-1979	6,356	13.8	60,829	9.8	6,050	16.6	17,600	17.4	20,756	16.3	13,543	19.5	125,134	12.5
1960-1969	4,192	9.1	82,695	13.3	4,166	11.4	15,070	14.9	17,155	13.5	5,791	8.3	129,069	12.9
1950-1959	5,921	12.9	128,255	20.7	5,496	15.0	20,925	20.7	19,635	15.4	6,440	9.3	186,672	18.7
1940-1949	3,397	7.4	63,925	10.3	1,437	3.9	6,098	6.0	8,191	6.4	2,008	2.9	85,056	8.5
1939 or earlier	14,482	31.5	189,105	30.5	4,821	13.2	10,576	10.4	20,722	16.3	7,721	11.1	247,427	24.7
Total	45,958	100	620,028	100	36,552	100	101,218	100	127,282	100	69,494	100	1,000,532	100

Source: U.S. Census

Table 15: Home Purchase Loan Denials for Cleveland MSA, 2012-2013

Income	Low		Moderate		Middle		Upper		Total	
2012	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications
Asian	11	41	10	66	13	78	22	185	56	370
Black	91	302	109	522	70	306	45	206	315	1336
White	320	1590	368	3385	344	3573	483	5755	1515	14303
Hispanic	27	117	14	134	16	93	12	113	69	457
2013										
Asian	8	36	8	88	17	106	28	270	61	500
Black	91	330	141	571	63	366	49	233	344	1500
White	322	1550	481	4008	387	4289	551	7077	1741	16924
Hispanic	28	134	27	167	20	138	15	145	90	584

Source: 2012-2013 HDMA Data

Table 16: Refinance Loan Denials for Cleveland MSA, 2012-2013

Income	Low		Moderate		Middle		Upper		Total	
2012	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications
Asian	22	38	60	106	51	140	116	567	249	851
Black	271	454	402	698	360	715	310	697	1343	2564
White	1408	2957	2296	6860	2818	10375	4776	22081	11298	42273
Hispanic	113	162	116	218	110	259	148	448	487	1087
2013										
Asian	48	68	45	76	53	134	82	388	228	666
Black	296	488	412	719	355	750	307	710	1370	2667
White	1249	2783	2040	6109	2437	9034	3753	17218	9479	35144
Hispanic	116	167	136	255	124	260	109	336	485	1018

Source: 2012-2013 HDMA Data

Table 17: High Cost Home Purchase Loans for Cleveland MSA, 2012-2013

Income	Low		Moderate		Middle		Upper		Total	
2012	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans
Asian	1	28	1	53	0	62	0	154	2	297
Black	22	193	47	379	18	220	9	151	96	943
White	115	1213	148	2906	86	3123	77	5054	426	12296
Hispanic	6	86	8	119	5	72	1	95	20	372
2013										
Asian	4	27	3	77	3	85	3	222	13	411
Black	53	221	97	405	56	283	16	174	222	1083
White	129	1182	320	3395	246	3782	173	6254	868	14613
Hispanic	19	98	24	133	9	115	6	125	58	471

Source: 2012-2013 HDMA Data

Table 18: High Cost Refinance Loans for Cleveland MSA, 2012-2013

Income	Low		Moderate		Middle		Upper		Total	
2012	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans
Asian	1	12	3	41	0	83	6	415	10	551
Black	13	166	20	247	28	321	20	339	81	1073
White	48	1440	104	4251	181	7010	234	16001	567	28702
Hispanic	5	42	7	95	4	136	7	266	23	539
2013										
Asian	1	20	2	28	1	71	6	284	10	403
Black	11	166	21	272	25	352	26	368	83	1158
White	65	1399	162	3759	179	6092	274	12500	680	23750
Hispanic	4	48	14	107	5	123	8	210	31	488

Source: 2012-2013 HDMA Data

Appendix B: Fair Housing Complaint Data by County

Table19: Fair Housing Complaints Filed in Ashtabula County

	Race	Color	Religion	National Origin	Gender	Familial Status	Disability	Retaliation	Total
1990	1	0	0	1	0	0	0	0	2
1991	3	0	0	2	0	0	0	0	5
1992	0	0	0	0	0	0	0	0	0
1993	1	0	0	0	0	1	0	0	2
1994	2	0	0	0	0	0	4	0	6
1995	2	0	0	0	0	1	0	0	3
1996	2	0	0	0	0	1	0	0	3
1997	0	0	0	0	0	0	0	0	0
1998	0	0	0	0	0	0	0	0	0
1999	0	0	0	0	0	1	1	0	2
2000	1	0	0	0	0	0	0	0	1
2001	0	0	0	0	0	0	1	0	1
2002	0	0	0	0	0	0	0	0	0
2003	0	0	0	0	0	0	2	1	3
2004	1	0	0	0	0	0	0	0	1
2005	1	0	0	0	0	0	2	1	4
2006	3	0	0	0	0	0	1	0	4
2007	1	0	0	0	0	2	4	0	7
2008	1	0	0	0	0	2	11	0	14
2009	2	0	0	1	1	0	3	0	7
2010	0	0	0	0	0	2	4	0	6
2011	2	0	0	0	0	0	5	0	7
2012	0	0	0	0	0	0	2	0	2
2013	0	0	0	0	1	0	7	0	8
2014	1	0	0	0	0	2	3	0	6
Total	24	0	0	4	2	12	50	2	94

Table 20: Fair Housing Complaints Filed in Cuyahoga County

	Race	Color	Religion	National Origin	Gender	Familial Status	Disability	Retaliation	Total
1990	44	0	0	1	2	36	5	0	88
1991	49	1	0	5	7	21	13	0	96
1992	61	1	2	10	4	16	12	0	106
1993	78	0	2	6	10	22	27	0	145
1994	49	1	0	5	6	23	19	0	103
1995	43	0	2	1	4	16	15	1	82
1996	44	1	1	7	5	12	10	0	80
1997	28	0	1	12	0	5	14	2	62
1998	27	0	0	0	0	5	14	3	49
1999	31	1	4	2	4	8	19	6	75
2000	25	6	0	10	1	6	20	5	73
2001	17	0	2	3	0	8	14	3	47
2002	21	1	1	0	2	8	13	4	50
2003	46	0	2	8	3	5	7	6	77
2004	30	1	1	2	2	5	27	2	70
2005	32	3	5	6	1	11	29	14	101
2006	35	0	1	8	4	18	35	3	104
2007	35	2	2	9	8	16	17	3	92
2008	72	1	11	32	6	20	34	4	180
2009	48	1	0	11	17	69	21	6	173
2010	38	0	2	20	19	38	29	8	154
2011	16	0	2	4	4	56	23	2	107
2012	15	2	1	2	7	30	28	5	90
2013	30	1	7	8	14	32	50	9	151
2014	31	1	3	1	18	33	56	12	155
Total	945	24	52	173	148	519	551	98	2510

Table 21: Fair Housing Complaints Filed in Geauga County

	Race	Color	Religion	National Origin	Gender	Familial Status	Disability	Retaliation	Total
1990	0	0	0	0	0	0	0	0	0
1991	3	0	0	0	0	0	0	0	3
1992	0	0	0	0	0	0	0	0	0
1993	2	0	0	0	0	1	1	0	4
1994	3	0	0	0	0	1	0	0	4
1995	1	0	0	0	0	0	0	0	1
1996	0	0	0	0	0	1	0	0	1
1997	0	0	0	0	0	0	0	0	0
1998	2	0	0	0	0	0	0	0	2
1999	1	0	0	0	0	1	0	0	2
2000	0	0	0	0	0	0	0	0	0
2001	0	0	0	0	0	0	1	0	1
2002	1	0	1	0	0	0	0	0	2
2003	0	0	0	0	0	0	1	1	2
2004	0	0	0	0	0	0	0	1	1
2005	1	0	0	0	0	0	0	1	2
2006	1	0	0	0	0	0	1	0	2
2007	0	0	0	0	0	0	0	1	1
2008	1	0	0	0	0	1	15	0	17
2009	0	0	0	0	1	1	1	1	4
2010	1	0	0	0	1	2	1	1	6
2011	0	0	0	0	0	0	2	0	2
2012	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0
2014	0	0	0	0	0	0	0	0	0
Total	17	0	1	0	2	8	23	6	57

Table 22: Fair Housing Complaints Filed in Lake County

	Race	Color	Religion	National Origin	Gender	Familial Status	Disability	Retaliation	Total
1990	4	0	0	0	0	9	1	0	14
1991	7	0	0	1	0	8	3	0	19
1992	4	0	0	2	3	7	0	0	16
1993	2	0	0	1	1	5	3	0	12
1994	2	0	0	0	0	4	0	1	7
1995	0	0	0	0	2	0	3	0	5
1996	5	0	0	0	0	3	2	0	10
1997	0	0	0	0	0	1	2	0	3
1998	1	0	0	0	1	1	0	0	3
1999	2	0	0	0	2	1	1	0	6
2000	0	0	0	0	0	2	2	0	4
2001	0	1	0	0	0	1	2	1	5
2002	3	0	1	0	0	1	2	0	7
2003	11	0	0	5	0	7	23	0	46
2004	8	1	0	1	0	1	7	0	18
2005	2	0	0	1	0	1	10	0	14
2006	3	0	0	0	2	2	15	0	22
2007	2	0	0	1	0	2	2	0	7
2008	3	0	0	0	0	2	16	0	21
2009	3	0	0	2	0	6	5	0	16
2010	2	0	0	1	1	6	11	0	21
2011	1	0	0	0	1	6	6	0	14
2012	1	0	0	0	1	1	1	0	4
2013	1	1	0	0	0	0	14	2	18
2014	1	0	0	1	2	1	4	0	9
Total	68	3	1	16	16	78	135	4	321

Table 23: Fair Housing Complaints Filed in Lorain County

	Race	Color	Religion	National Origin	Gender	Familial Status	Disability	Retaliation	Total
1990	6	0	0	0	0	0	0	0	6
1991	6	0	0	0	0	3	1	0	10
1992	1	0	0	0	0	1	1	0	3
1993	5	0	0	3	0	1	0	1	10
1994	6	0	0	1	1	1	1	0	10
1995	1	1	0	1	1	4	0	0	8
1996	1	0	0	0	0	0	0	0	1
1997	0	0	0	0	1	1	3	0	5
1998	2	0	1	0	1	3	0	1	8
1999	1	0	0	0	0	1	0	0	2
2000	0	0	0	0	0	0	1	0	1
2001	0	0	0	1	1	2	0	0	4
2002	0	0	0	0	1	0	1	2	4
2003	0	0	0	0	0	0	3	0	3
2004	5	0	0	0	0	1	5	1	12
2005	8	0	0	1	0	0	9	4	22
2006	7	2	1	1	1	3	2	2	19
2007	3	0	0	0	1	0	1	0	5
2008	5	0	1	2	2	2	4	2	18
2009	1	0	0	2	0	7	3	0	13
2010	3	0	0	1	2	1	2	3	12
2011	1	0	0	0	1	4	3	0	9
2012	2	0	4	3	0	5	0	0	14
2013	3	0	0	1	1	4	9	2	20
2014	2	0	0	0	0	7	5	0	14
Total	69	3	7	17	14	51	54	18	233

Table 24: Fair Housing Complaints Filed in Medina County

	Race	Color	Religion	National Origin	Gender	Familial Status	Disability	Retaliation	Total
1990	0	0	0	1	1	2	0	0	4
1991	0	0	0	0	1	0	0	0	1
1992	2	0	0	0	0	1	0	0	3
1993	0	0	0	1	0	0	0	0	1
1994	0	0	0	0	0	2	1	0	3
1995	0	0	0	0	0	1	0	0	1
1996	1	0	0	0	1	2	0	0	4
1997	0	0	0	0	0	0	0	0	0
1998	0	0	0	0	0	0	0	0	0
1999	0	0	0	0	0	2	1	0	3
2000	3	0	0	0	0	2	3	0	8
2001	0	0	0	0	0	3	1	0	4
2002	0	0	0	1	0	5	4	0	10
2003	0	0	1	0	3	8	7	2	21
2004	2	0	0	0	1	3	7	1	14
2005	0	0	0	0	2	1	2	1	6
2006	5	0	0	0	0	2	9	1	17
2007	0	0	0	0	0	1	1	0	2
2008	2	0	0	1	0	0	1	0	4
2009	2	0	0	0	1	7	3	0	13
2010	0	0	0	0	0	0	0	0	0
2011	0	0	0	0	1	2	1	0	4
2012	0	0	0	0	0	1	0	0	1
2013	0	0	0	0	0	1	1	0	2
2014	2	0	0	0	0	1	3	0	6
Total	19	0	1	4	11	47	45	5	132

Appendix C: Methodology for Calculating Fair Housing Complaint Data

In Ohio, fair housing cases may be filed with the U.S. Department of Housing and Urban Development (HUD), the Ohio Civil Rights Commission (OCRC), or sometimes with local fair housing agencies. Based on our research, we have concluded that few if any cases were filed solely with other local agencies.

Because of an agreement with HUD, fair housing cases filed directly with the OCRC are also logged into HUD's database, Title Eight Automated Paperless Office Tracking System (TEAPOTS), if the complaint alleges a basis of discrimination that is found under both federal and state law. Cases from Ohio that are filed with HUD are generally referred to the OCRC for investigation unless there is a potential conflict of interest in such an arrangement.⁹⁷ This results in most OCRC cases also being found in HUD's database and vice versa.

In our 2006 and 2007 reports, we combined the HUD and OCRC complaint data in an attempt to arrive at the most accurate number of complaints filed in the region. However, beginning in 2007, reporting differences between the TEAPOTS database used by HUD and the OCRC's database prevented us from combining these sources.⁹⁸ With our 2008 report, we began only reporting cases included in the HUD TEAPOTS database. Because most cases included in the OCRC fair housing cases should be included in the HUD database, we believe that this data represents most of the fair housing complaints filed in the region.

For purposes of the chart, we followed HUD by considering each alleged basis of discrimination as a separate "complaint." Therefore, if someone filed a charge alleging discrimination based on race and gender, we counted that as two complaints and placed it in each column, even if it arose in only one charge form. HUD classifies some cases as having a basis of "retaliation." Although "retaliation" is not a basis of discrimination under federal, state, or local law, we included a separate category of retaliation in the charts since the HUD data separated this category from the other bases of discrimination. Military status is not included in complaint data, because the data only includes Federal protected classes.

⁹⁷ Starting in 2009, HUD began retaining jurisdiction of cases alleging violations of the accessibility provisions for new multi-family construction.

⁹⁸ For example, HUD tracks cases by the location of the property, while the OCRC tracks them by the respondent's address. If a resident of Geauga County owns property in Cuyahoga County and discriminates against a potential tenant, the case would be reported under Cuyahoga County by HUD but under Geauga County by the OCRC.

Appendix D: Methodology for Calculating Instances of Housing Discrimination

The Housing Center estimates that there were at a minimum 33,690 instances of housing discrimination against African Americans, Hispanics/Latinos, and Asian Americans in 2010 in the six-county region.

This estimate was calculated using the methodology developed by Professor John Simonson, from the University of Wisconsin, Platteville, in a series of papers he produced in 2004 for the National Fair Housing Alliance estimating the number of instances of discrimination nationwide.⁹⁹

In reaching our estimate of the number of instances of discrimination, we first determined the rate of discrimination against African Americans, Hispanics/Latinos, and Asian Americans using Professor Simonson's methodology. For renters, this methodology takes into account the number of housing units a typical renter inspects before choosing housing, as well as the rate of discrimination at specific instances in the housing search process. For homeowners, it takes into account the average number of real estate agents a typical homeowner consults in the course of a housing search. We then multiplied this overall rate of discrimination for each group by the number of individuals in each group (renters and homeowners) who had moved in 2004 in the Cleveland metropolitan area (the most recent data available) based on the American Housing Survey.¹⁰⁰ This corresponds to 26,687 instances of discrimination among renters and 3,190 instances among homeowners, for a total of 29,877 instances of discrimination in these five counties.

The Housing Center then adjusted for the population of Lorain County, assuming that for both renters and homeowners, housing mobility for African American (as well as Hispanic/Latino and Asian American) households in Lorain County was consistent with the rates in the rest of the Cleveland region.¹⁰¹ Using this formula, the Housing Center estimated an additional 3,813 cases of housing discrimination in Lorain County (3,529 among renters and 284 among homeowners) against African Americans, Hispanics/Latinos, and Asian Americans/Pacific Islanders, making a total of 33,690 instances of discrimination based on these grounds alone. The Housing Center considers this to be a conservative estimate for a number of reasons:

- the figures do not include discrimination against Native Americans, bi-racial individuals, or other racial/ethnic groups (such as Arab Americans, for example) due to data limitations;
- the data do not include discrimination based on other protected classes such as disability, familial status, religion, or sex/gender;

⁹⁹ John Simonson, "National Estimates of Annual Discrimination Against Black Households in U.S. Rental and Sales Markets," Project Report 03-01, Center for Applied Public Policy, UW-Platteville (January 2004) and John Simonson, "National Estimates of Annual Discrimination in U.S. Rental and Sales Markets Against: Asians and Pacific Islanders, Hispanics, and Native Americans," Center for Applied Public Policy, UW-Platteville (April 2004).

¹⁰⁰ U.S. Department of Housing and Urban Development and U.S. Census Bureau, Current Housing Reports, Series H170/04-45, "American Housing Survey for the Cleveland Metropolitan Area: 2004," Table 3.1. Introductory Characteristics - Owner Occupied Units and Table 4.1. Introductory Characteristics - Renter Occupied Units. The AHS survey reports data for Ashtabula, Cuyahoga, Geauga, Lake, and Medina Counties. Lorain County is not included in its data. In making these calculations, the Housing Center assumes that discrimination rates in the region correspond to those found nationally by HUD in its survey. Although HUD found some variability across metropolitan areas, the overall levels of treatment were not significantly different from the national averages, and the report concluded that "discrimination against African American and Hispanic homeseekers remains a problem in large metropolitan areas nationwide—that no region of the country or group of metropolitan areas is exempt." Urban Institute, "Discrimination in Metropolitan Housing Markets: Phase I" (November 2002), p. 8-6, available at <http://www.huduser.org>.

¹⁰¹ These rates were calculated for African American, Hispanic/Latino, and Asian American/Pacific Islander households for both renters and homeowners. We estimate that among renters in Lorain County, 1,534 African American households moved, 1,711 Hispanic/Latino households moved, and 145 Asian American/Pacific Islander households moved. Among homeowners in Lorain County, we estimate that 314 African American households moved, 321 Hispanic/Latino households moved, and 54 Asian American/Pacific Islander households moved.

- the data only cover discrimination in the rental and home sale markets, and not discrimination in homeowners insurance or mortgage lending;
- the data are based on the Urban Institute's survey, which did not include many smaller units (which comprise a large proportion of the rental market), and did not include discrimination occurring at the initial telephone contact or after an application has been submitted by a housing seeker.

Appendix E: Data Sources

Figure 1-2: Housing Research & Advocacy Center analysis of data provided by U.S. Department of Housing and Urban Development.

Figures 3-6: US2010 Project, "Census geography: Bridging data from prior years to the 2010 tract boundaries," <http://www.s4.brown.edu/us2010/Researcher/Bridging.htm> (accessed February 24, 2014)
U.S. Census Bureau, 2010 TIGER/Line Shapefiles. Census Tracts (2010), Ohio [geospatial boundary file]. Updated March 26, 2012.

Figure 7: U.S. Census Bureau, Table DP-1. Profile of General Demographic Characteristics: 2000; Table DP-1. General Population and Housing Characteristics: 1990; Table 3. Components of Population Change by Race: 1970 and 1960; Table P-1. General Characteristics of the Population: 1970; Table 1. Summary of General Population Characteristics: 1980; Table 35. Age by Race and Sex, for Counties: 1970; US Census: 2010.

Figure 8: U.S. Census Bureau, Selected Social Characteristics, American Community Survey 3-Year Estimates: 2008-2010.

Figure 9: U.S. Census Bureau, Year Housing Built, American Community Survey 5-Year Estimates, 2013.

Figure 10: U.S. Census Bureau, Tenure by Year Structure Built by Units in Structure, American Community Survey 5-Year Estimates, 2012.

Figures 11-12: U.S. Census Bureau, Hispanic or Latino Origin by Race, American Community Survey 5-Year Estimates, 2006-2010.

Figure 13-20: Tables 15-18: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act Peer Mortgage Data, 2012-2013.

Table 1: Compiled by Housing Research & Advocacy Center.

Table 2: Housing Research & Advocacy Center analysis of data provided by U.S. Department of Housing and Urban Development.

Table 3: "Population of Counties by Decennial Census: 1900 to 1990," March 27, 1995. Compiled and edited by: Richard L. Forstall, Population Division, U.S. Census Bureau, Washington, D.C.; Table DP-1. Profile of General Demographic Characteristics: 2000; U.S. Census: 2010.

Table 4: U.S. Census Bureau, Table DP-2. Profile of Selected Social Characteristics: 2000; Selected Social Characteristics, American Community Survey 5-Year Estimates: 2006-2010.

Table 5: U.S. Census Bureau, Profile of General Demographic Characteristics: 2000; U.S. Census Bureau, Profile of General Population and Housing Characteristics: 2010 Demographic Profile Data.

Table 6: Census Scope, Segregation Measures, found at <http://www.censusscope.org/2010Census/index.php>.

Table 7: U.S. Census, "Racial and Ethnic Residential Segregation in the United States: 1980-2000," (August 2002), Tables 5-4 and 6-4.

Tables 8-13: U.S. Census Bureau, Table DP-1. Profile of General Demographic Characteristics: 2000; Table DP-1. General Population and Housing Characteristics: 1990; Table 3. Components of Population Change by Race: 1970 and 1960; Table P-1. General Characteristics of the Population: 1970; Table 1. Summary of General Population Characteristics: 1980; Table 35. Age by Race and Sex, for Counties: 1970; U.S. Census: 2010.

Table 14: U.S. Census Bureau, Year Housing Built, American Community Survey 5-Year Estimates, 2013.

Tables 15-18: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act Peer Mortgage Data, 2012-2013.

Tables 19-24: Housing Research & Advocacy Center analysis of data provided by U.S. Department of Housing and Urban Development.

The Housing Research & Advocacy Center is a not-for-profit agency whose mission is to promote fair housing and diverse communities, and to work to eliminate housing discrimination in Northeast Ohio by providing effective research, education and advocacy.

HOUSING RESEARCH & ADVOCACY CENTER
2728 EUCLID AVENUE, SUITE 200
CLEVELAND, OHIO 44115
(216) 361-9240 (PHONE)
(216) 426-1290 (FAX)
www.thehousingcenter.org