

The State of Fair Housing in Northeast Ohio

April 2012

KRISSIE WELLS
JILLIAN WATSON
TRUDY THOMPSON



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ABOUT THE AUTHORS

KRISSIE WELLS is the Housing Center's Fair Housing Research Associate. She received her M.S.S.A. from Case Western Reserve University's Mandel School of Applied Social Sciences.

JILLIAN WATSON is the Housing Center's Fair Housing Intern. She is currently a Master's student at Cleveland State University's Maxine Goodman Levin College of Urban Affairs.

TRUDY THOMPSON is the Housing Center's Project Assistant. He is an experienced for-profit and non-profit manager and has worked with various organizations.

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About the Housing Research & Advocacy Center

The Housing Research & Advocacy Center (the "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, education, and outreach, and enforcement of fair housing laws through testing 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 is a continuing 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 the actions of all of these individuals and entities, not only would we face less segregation and discrimination as a society, but there would be less economic stratification, as housing patterns affect not only where one lives but, in many respects, one's life chances through access to quality schools, transportation, jobs, and a healthy environment.¹

This report is the Housing Center's seventh annual comprehensive survey of fair housing in Northeast Ohio.² The report finds that 44 years after the passage of the federal Fair Housing Act – which prohibits discrimination based on race, color, religion, sex, national origin, familial status, and handicap – housing discrimination remains widespread in the region.

In 2011, there were 143 complaints of housing discrimination filed in Northeast Ohio with the U.S. Department of Housing and Urban Development (HUD). This number was a decrease from the 199 complaints filed in 2010 and the third consecutive year of decline, but is significantly higher than the average number of complaints filed in the last 21 years (129.4). In the last five years for which data are available (2007-2011), an average of 187.2 complaints were filed, compared to an average of 131.6 complaints filed in the previous five-year period (2002-2006). This increase includes a 8.41% increase in the number of cases based on race (from 226 to 245) and a 2.23% increase in the number of cases based on disability (from 224 to 229). In the 2007-2011 period, the number of cases brought based on familial status, national origin, and sex/gender also increased compared to the previous five-year period. The most common bases of discrimination alleged in complaints filed in 2006-2010 were familial status (27.24%), race (26.18%), and disability (24.47%).

While the increase in 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 decreased marginally for African Americans since 1990, with the region moving from the third-most segregated area in the country to the fifth-most segregated in 2010.

Some local communities have taken steps to address housing discrimination by passing local fair housing legislation. In Cuyahoga County, 37 governments have fair housing ordinances, compared to nine in Lorain County, four in Lake County, three in Ashtabula County, and three 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, thus providing protection to additional classes of people. The grounds protected by local ordinances (and the

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.

number of jurisdictions providing such protection) include age (24 ordinances), marital status (21), creed (18), sexual orientation (11), disabled veteran status and Vietnam veteran status (5), ethnic group (5), gender identity (5), military status (3), military discharge status (1), occupation (1), parental status (1), and source of income (1).

The Housing Center's recommendations are to:

- enact stronger fair housing laws that prohibit discrimination based on additional grounds (such as source of income to prohibit discrimination against individuals who rely on housing subsidies);
- restore Ohio fair housing law so that it is equivalent to federal fair housing law;
- vigorously enforce fair housing laws at all levels. Include the use of systemic testing for discrimination to identify individuals who violate the law and deter future violations;
- adequately fund the new federal Consumer Financial Protection Bureau to protect individuals from abusive and unfair products and services;
- devote increased resources to educating housing providers and professionals, as well as the public at large, regarding fair housing laws
- ensure that all online housing advertisements appearing on sites such as craigslist.org fully comply with fair housing laws;
- provide government incentives and other creative solutions to combat housing discrimination and racial and economic segregation.

II. 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 therefore 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. As such, 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. This area was chosen because until 2000, it represented the Metropolitan Statistical Area (MSA) used by the U.S. Census Bureau to describe the region.³

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%.⁴ Changes in county-level populations have varied from an increase of 108.34% for Medina County to a 25.63% decrease in Cuyahoga County.⁵

Table 1: 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.

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 population that is white has decreased from 85.0% in 1970 to

³ 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.

⁴ See U.S. Census Bureau, "Table 1. Population: 1790-1990," *1990 Census of Population and Housing*; U.S. Census: 2010.

⁵ For data sources for all tables and charts, see Appendix E.

74.9% in 2010. The percentage of African Americans has increased in this period from 14.6% to 19.3%, while the number of Asians and Pacific Islanders has tripled from 0.6% in 1980 to 1.9% in 2010.

Table 2: Race of Population in Region.⁶

	1970		1980		1990		2000		2010	
	Number	%	Number	%	Number	%	Number	%	Number	%
White	2,056,236	85.0	1,869,554	82.1	1,772,782	80.5	1,731,562	76.9	1,632,423	74.9
African American or Black	352,757	14.6	368,519	16.2	379,987	17.3	417,044	18.5	420,114	19.3
American Indian and Alaska Native	NR	NR	2,625	0.1	3,972	0.2	4,121	0.2	4,297	0.2
Asian and Pacific Islander	NR	NR	14,460	0.6	22,357	1.0	31,209	1.4	41,317	1.9
Two or more races	NR	NR	NR	NR	NR	NR	34,932	1.6	44,276	2.0

Source: U.S. Census.

According to the Census Bureau, the Hispanic/Latino population of the region 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.

Table 3: Hispanic or Latino/a Population.⁷

	1980		1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Ashtabula	1,119	1.1	1,538	1.5	2,292	2.2	3,441	3.4
Cuyahoga	24,028	1.6	31,447	2.2	47,078	3.4	61,270	4.8
Geauga	305	0.4	294	0.4	538	0.6	1,001	1.1
Lake	1,098	0.5	1,469	0.7	3,879	1.7	7,825	3.4
Lorain	13,124	4.8	15,261	5.6	19,676	6.9	25,290	8.4
Medina	489	0.4	711	0.6	1,399	0.9	2,747	1.6
Total	40,163	1.8	50,720	2.3	74,862	3.3	101,574	4.7

Source: U.S. Census.

The percentage of 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

⁶ Notes: NR = not reported. In 1970, the only racial categories listed for total county populations were "White" or "Negro." In 1980 and 1990, the Census Bureau added "American Indian, Eskimo and Aleut" and "Asian and Pacific Islander." In 2000, the Census Bureau reported "Asian" separate from "Native Hawaiian and other Pacific Islander." For this table, these two categories were combined to allow for easier comparison to 1980 and 1990, when the Census Bureau reported them in one category, and because of the relatively small number of individuals in these groups in Northeast Ohio. This chart does not include individuals who reported "Other races" in any of the years. Racial data for each of the six counties in this report are provided in Appendix A.

⁷ According to the Census Bureau, "Hispanic" and "Latino" are not racial designations, and individuals may be of any race. The Census Bureau did not report the number of "Hispanic" or "Latino" individuals on a county-wide basis in 1970.

slightly from the rate of 5.1% in 2000. The lowest rate 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.

In response to widespread discrimination against families with children, Congress amended the Fair Housing Act in 1988 to prohibit discrimination based on familial status.⁸ 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, reflecting the increasing age of the population.

Table 5: Households with Individuals Under 18.

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

Source: U.S. Census.

The 1988 amendments to the Fair Housing Act also prohibited discrimination based on handicap. In 2010, 11.2% of the population between the ages of 18 and 64 were disabled, 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% were disabled, with a low of 3.3% in Medina County and a high of 5.4% in Cuyahoga County.

⁸ The Fair Housing Amendment Act of 1988 became effective March 12, 1989. Pub. L. No. 100-430.

Table 6: Population With a Disability in 2010.

	Under 18 years		18 to 64 years		65 years and over	
	Number	Percent	Number	Percent	Number	Percent
Ashtabula	1,247	5.1	7,486	12.6	5,345	35.9
Cuyahoga	15,771	5.4	94,440	12.0	72,424	38.3
Geauga	826	3.4	4,068	7.4	3,643	28.1
Lake	1,838	3.6	12,871	9.1	11,366	32.1
Lorain	3,644	5.0	20,943	11.6	14,733	36.8
Medina	1,439	3.3	9,007	8.6	6,601	31.0
Total	21,125	4.1	148,815	11.2	114,112	36.4

Source: U.S. Census.

In addition to prohibiting discrimination based on handicap, the 1988 amendments to the Fair Housing Act also required 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 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, 1.9% of the housing stock overall was built from 2005 or later, ranging from a low of 1.2% in Cuyahoga County to a high of 4.1% in Medina County. Additionally, 52.9% of the housing in the region was built prior to 1960, with a low of 23.6% for Medina County to a high of 62.5% for Cuyahoga County.

Table 7: Year Housing Built in the Region, 2010.

Year Built	Ashtabula		Cuyahoga		Geauga		Lake		Lorain		Medina		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
2005 or later	762	1.7	7,257	1.2	889	2.5	2,605	2.6	4,796	3.8	2,786	4.1	19,095	1.9
2000-2004	2,763	6.0	15,993	2.6	2,735	7.5	5,003	5.0	11,027	8.8	8,330	12.3	45,851	4.6
1990-1999	4,916	10.7	32,353	5.2	5,902	16.3	12,259	12.2	14,016	11.2	14,828	21.9	84,274	8.4
1980-1989	2,629	5.7	33,149	5.3	4,474	12.3	10,147	10.1	7,956	6.3	6,724	9.9	65,079	6.5
1970-1979	6,415	13.9	61,326	9.8	6,788	18.7	17,537	17.5	20,388	16.2	13,524	19.9	125,978	12.6
1960-1969	4,166	9.0	83,258	13.4	4,012	11.1	15,116	15.1	17,220	13.7	5,614	8.3	129,386	13.0
1950-1959	5,972	13.0	128,246	20.6	5,333	14.7	19,917	19.8	21,148	16.8	6,409	9.5	187,025	18.7
1940-1949	3,250	7.1	64,431	10.3	1,690	4.7	6,778	6.8	7,935	6.3	1,982	2.9	86,066	8.6
1939 or earlier	15,181	33.0	196,524	31.6	4,442	12.2	10,984	10.9	21,060	16.8	7,609	11.2	255,800	25.6
Total	46,054	100.0	622,637	100.0	36,265	100.0	100,346	100.0	125,546	100.0	67,806	100.0	998,654	100.0

Source: U.S. Census.

Although fair housing laws prohibit discrimination in rentals as well as purchases of housing, more housing discrimination cases are brought for discrimination in the rental, rather than sales, context. In the six-county region, 66.9% of all housing units were owner-occupied in 2010, leaving 33.1% as rental properties. In 2010, Cuyahoga County had the lowest percentage of owner-occupied housing, at 60.9%, and Geauga County had the highest rate, at 85.7%.

Table 8: Percentage of Owner-Occupied Housing in Region.

	1980	1990	2000	2010
Ashtabula	75.6	80.7	74.1	71.8
Cuyahoga	61.2	62.0	63.2	60.9
Geauga	85.0	85.7	87.2	85.7
Lake	76.7	75.8	77.5	75.8
Lorain	73.2	71.9	74.2	72.9
Medina	79.9	79.3	81.3	80.6
Total	66.0	66.8	68.3	66.9

Source: U.S. Census.

III. 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, in some jurisdictions, local level.⁹ Which law or laws apply in a given situation depend on where the property in question is located and/or 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

The federal Fair Housing Act (42 U.S.C. §3601, *et seq.*) was passed by Congress in 1968 to help 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;¹⁰
- 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;”¹¹
- 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.¹² “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

⁹ 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.*).

¹⁰ 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.

¹¹ “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.

¹² 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. In addition, the provision protects individuals in the process of securing legal custody of a minor and pregnant women. 42 U.S.C. §3602(k). A “handicap” 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.

B. Ohio Law

In addition to being covered by the federal Fair Housing Act, residential property in Ohio is also covered by Ohio’s 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, in addition to prohibiting discrimination based on all of the classes protected by federal law (race, color, religion, national origin, sex, handicap, and familial status), Ohio law also prohibits discrimination based on two additional grounds: “ancestry,” a somewhat different and potentially broader category than “national 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.¹³

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 inconsistently with the federal law in several key respects.¹⁴ 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;¹⁵ that the Ohio Attorney General may not seek remedies to require retrofitting of inaccessible housing constructed in violation of Ohio’s fair housing law;¹⁶ and that landlords are not required to take action when they know that one tenant is racially harassing another tenant.¹⁷ If allowed to stand, these decisions not only represent limitations on fair housing rights for individuals in the state but also threaten Ohio’s “substantial equivalency” status, including the work-sharing agreement between HUD and the OCRC that results in

¹³ 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.

¹⁴ 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).

¹⁵ *Ohio Civil Rights Comm’n v. Triangle Real Estate Services, Inc.*, *supra*.

¹⁶ *Ohio Civil Rights Comm’n v. Fairmark Development, Inc.*, *supra*

¹⁷ *Ohio Civil Rights Comm’n v. Akron Metropolitan Housing Authority*, *supra*.

substantial revenue for the OCRC to investigate and process fair housing cases in the state.¹⁸

C. Local Law

In addition to the federal and state statutes, both of which apply throughout the State of Ohio, numerous counties, cities, and villages in Northeast Ohio have passed ordinances covering fair housing.

Locally, 37 governments in Cuyahoga County have fair housing ordinances, compared to nine in Lorain County, four in Lake County, three in Ashtabula County, and three in Medina County. There are no local fair housing ordinances in Geauga County.¹⁹ 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.²⁰ The additional classes protected by cities in the region (and the number of local jurisdictions protecting them) include age (24 ordinances), marital status (21), creed (18), sexual orientation (11), disabled veteran status and Vietnam veteran status (5), ethnic group (5), gender identity (5), military status (3), military discharge status (1), occupation (1), parental status (1), and source of income (1).

Table 9 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. In addition, the table indicates which jurisdictions have a complaint procedure and/or a local fair housing board to investigate complaints.

¹⁸ A series of letters from HUD to the Executive Director of the Ohio Civil Rights Commission in 2008 and 2009 warned the Commission that it risked losing its substantial equivalency status if the State of Ohio did not address these changes in Ohio law that limit the fair housing rights of residents. See Kenneth J. Carroll, letter to G. Michael Payton, April 23, 2009, available at http://www.restorefairhousing.org/2009-04-23_HUDletter.PDF; Lynn M. Grosso, letter to G. Michael Payton, February 18, 2009, available at http://www.restorefairhousing.org/2009-02-18_HUDletter.PDF; Kenneth J. Carroll, letter to G. Michael Payton, August 12, 2008, available at http://www.restorefairhousing.org/2008-08-12_HUDletter.PDF. The OCRC responded by supporting legislation that would address some, although not all, of these changes. See OCRC, Briefing, April 29, 2009, available at <http://crc.ohio.gov/pdf/HousingAmendments.pdf>. Of the changes supported by the OCRC in its April 29, 2009, Briefing, all were adopted by the Ohio General Assembly except for the proposed change to address the *Fairmark* decision limiting the remedies available to the Ohio Attorney General in certain accessibility cases.

¹⁹ 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, a number of jurisdictions have ordinances criminalizing intimidation in housing. The jurisdictions with intimidation ordinances only include: Avon, Avon Lake, Cuyahoga Heights, Jefferson Village, Lyndhurst, Middleburg Heights, Pepper Pike, Solon, and Wadsworth. Because these ordinances are criminal intimidation statutes, we do not include them in Table 9 or this analysis of local fair housing laws.

²⁰ Some of these statutes are narrower than federal or state law. In those cases, the broader protections offered by state and/or federal law would apply.

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Source: HRAC Analysis of Local Ordinances.

IV. 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 similar 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.²¹

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.²²

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 decision, 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.²³

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 finding. Based on its review of the report and recommendation of the OCRC's field staff, the Commission makes a finding 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 hearing officer or, if the parties request, in state court.

B. Number of Complaints Filed in Region

The Housing Center has collected and analyzed data on all fair housing complaints filed in the six-county region with HUD from 1990 through 2011.²⁴ The data reveal that over the 22-year period:

- on average, 129.4 complaints were filed each year in the region;

²¹ 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.

²² 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.

²³ 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.

²⁴ For purposes of this report, we considered each basis raised as a complaint. For details of the Housing Center's methodology, see Appendix C.

- cases filed alleging race discrimination accounted for 37.00% of the total, compared to 23.71% for handicap/disability, and 20.97% for familial status;
- complaints based on national origin accounted for 6.95% of the total, sex/gender cases made up 5.23%, religion cases made up 1.65%, and color accounted for 0.88%;
- almost three-quarters of the complaints (74.25%) were filed in Cuyahoga County.

The Housing Center also examined how complaints have changed over time in the region, to determine whether certain types of discrimination were being alleged more (or less) during this period.²⁵ Since 2001, the total number of complaints filed has increased, from 62 in 2001 to 143 in 2011. The 143 complaints filed in 2011 represent a decrease from the 199 complaints filed in 2010, though the 2011 total is higher than the yearly average of 129.4 complaints filed during the last 22 years.

Because of the possibility that any particular year could have an unusually large or small number of complaints filed in a given category, we also examined the number of complaints filed in two five-year periods (2002-2006 and 2007-2011) to ascertain whether the types of complaints being filed recently differed from those being filed earlier. This analysis revealed the following:

- in the last five years (2007-2011), there were 936 complaints filed with HUD, for an average of 187.2 complaints annually, up from 658 complaints (131.6 annually) filed in the previous five year period (2002-2006);
- the most common bases of discrimination alleged in complaints filed in 2007-2011 were familial status (27.24%), race (26.18%), and disability (24.47%);
- the number of cases brought by race increased by 8.41% (from 226 in the period 2002-2006 to 245 in 2007-2011); but proportionately, complaints based on race made up 26.18% of the total from 2007-2011, down from 34.35% in the period 2002-2006;
- in the last five years, the number of complaints based on disability increased by 2.23%, from 224 to 229; yet complaints based on disability made up 24.47% of the complaints in 2007-2011, less than 34.04% in the previous five-year period;
- the number of complaints based on familial status increased from 82 in the period 2002-2006 to 255 complaints in the last five years; familial status complaints made up 27.24% of the total in the 2007-2011 period, up from 12.46% in the preceding five-year period;
- from 2002-2006 to 2007-2011, complaints based on national origin have increased from 5.17% of the total to 9.30% (from 34 complaints to 87), cases brought by sex/gender have increased from 3.34% of the total to 7.16% (from 22 to 67), and complaints based on religion have decreased from 2.13% of the total to 1.92% (from 14 to 18).

²⁵ While an increase in cases filed could result from an increase in discrimination, it also could be due to other factors, such as increased monitoring of discrimination, increased knowledge of the law, or other factors. Likewise, a decrease in the number of cases filed does not necessarily represent a decrease in discrimination on that basis. In November 2008, the Housing Center filed 53 complaints with HUD, based on discriminatory internet advertisements on craigslist.org and other internet sites. The majority of these complaints involved familial status discrimination. Some of these complaints were entered into HUD's database as 2008 complaints, while others were entered as 2009 complaints.

Table 10: Number and Basis of Fair Housing Complaints filed with HUD in the Region.²⁶

	Race	Color	Religion	National Origin	Sex/ 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
Total	1,053	25	47	198	149	597	675	103	2,847

Source: HRAC analysis of HUD data.

The Housing Center also undertook an analysis of the number of complaints filed per 100,000 residents each year in the region.²⁷ This analysis revealed that during this 22-year period, an average of 5.91 complaints were filed per year for each 100,000 people in the six-county region. Cuyahoga County had the highest incidence of housing complaints based on population size in the region (7.14 per 100,000), while Lorain County had the lowest incidence (2.94 per 100,000).

The different rates of cases filed in different counties is likely due to a number of factors in addition to differential rates of discrimination, including the racial and ethnic make-up of the region, the percentage of rental (as compared to owner-occupied) housing, housing mobility rates, and the presence or absence of fair housing organizations in the counties who might educate and assist potential victims of discrimination and conduct systemic testing.

²⁶ County-level data are presented in Appendix B, below.

²⁷ To calculate the number of complaints per 100,000 people, the Housing Center divided the average number of complaints per year for each jurisdiction by the mean of the total population in 1990 and 2010 and then multiplied this amount by 100,000.

C. Incidence of Housing Discrimination in the Region

Although there were 143 complaints of housing discrimination filed in Northeast Ohio in 2011, the number of instances of housing discrimination is undoubtedly higher.²⁸ To date, there has been no systematic study of the rate or total number of instances of housing discrimination in the region.²⁹

In 2003, the Urban Institute prepared a report for HUD which found that nationwide, housing discrimination occurred in 20.3% of the cases in which African Americans attempted to rent an apartment and 16.8% of the cases in which African Americans attempted to purchase a home. For Hispanics/Latinos, the report found discrimination 23.4% of the time in rentals and 18.3% of the time in home sales.³⁰

Although the report found some variability across metropolitan areas, the overall levels of discrimination in the localities studied were not significantly different from the national averages, and the report concluded that “discrimination against African American and Hispanic home seekers remains a problem in large metropolitan areas nationwide – that no region of the country or group of metropolitan areas is exempt.”³¹

A later Urban Institute report prepared for HUD examined discrimination against Asians and Pacific Islanders, finding discrimination in 21.5% of the cases involving rentals and 20.4% of the cases for home sales.³²

Using the data collected for the Urban Institute/HUD report, the National Fair Housing Alliance commissioned several reports on the total number of instances of housing discrimination each year. These reports found that nationwide, there was a minimum of 3.7 million instances of housing discrimination annually. In its report, NFHA noted that this was a low estimate, as it was based on the Urban Institute’s data, which covered only discrimination based on race (against African Americans, Asians and Pacific Islanders, and Native Americans) and national origin (against Hispanics/Latinos) and which did not capture all types of discrimination against these groups.³³

²⁸ According to a 2006 report prepared for HUD by the Urban Institute, “only two percent of those who thought they had suffered discrimination said they had sought assistance from, or filed a complaint with, a fair housing or other group or government agency.” Urban Institute, “Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law,” February 2006, p. 36, available at <http://www.huduser.org/Publications/pdf/FairHousingSurveyReport.pdf>. See also HUD, “The State of Fair Housing: FY 2006 Annual Report on Fair Housing,” p. 7, available at <http://www.hud.gov/offices/fheo/fy2006rpt.pdf>, noting that only 1% of individuals who believed they had experienced discrimination reported it to a government agency.

²⁹ The Fair Housing Resource Center, in Painesville, Ohio, found housing discrimination against people with disabilities in 38% of cases in Lake County. FHRC, “Is Our Nation Moving Towards a Dual Society: One Able and One Disabled - Separate and Unequal? Discrimination in Lake County Housing Market, 2004-2005 Report.”

³⁰ Urban Institute, “Discrimination in Metropolitan Housing Markets: Phase I - Supplement,” February 2003, p. 3-1 and 3-4, available at <http://www.huduser.org>.

³¹ Urban Institute, “Discrimination in Metropolitan Housing Markets: Phase I,” November 2002, p. 8-6, available at <http://www.huduser.org>.

³² Urban Institute, “Discrimination in Metropolitan Housing Markets: Phase 2 - Asians and Pacific Islanders,” March 2003, p. iv, available at <http://www.huduser.org>.

³³ See National Fair Housing Alliance, “2004 Fair Housing Trends Report,” April 7, 2004, p. 1-5. Among the limitations of the Urban Institute/HUD data, NFHA noted that the research excluded many smaller owner-occupied housing units which comprise a significant portion of the rental market, did not account for discrimination that occurred at the preliminary telephone contact stage, and did not account for discrimination that occurred after an

To estimate the incidence of housing discrimination in the region, the Housing Center has used the methodology developed for the NFHA reports by comparing the rate of discrimination found by the Urban Institute in its reports with mobility rates for renters and homebuyers in the Northeast Ohio region in 2004, the most recent available.

Using the Urban Institute data, which the Housing Center believes likely understate the rates of discrimination, the Housing Center estimates that annually there are at least 33,690 instances of housing discrimination based on race and national origin in the six-county region.³⁴

applicant submitted an application. *Id.* at 5.

³⁴ The Housing Center's methodology in deriving this estimate is found in Appendix D.

V. Racial and Ethnic Segregation in Northeast Ohio

One of the most common measures of the segregation of a region is the dissimilarity index. This index measures the percentage of a minority population who would have to move from one neighborhood to another neighborhood in order to achieve complete integration. Using the dissimilarity index, a score of 0 would represent a completely integrated distribution of individuals, while a score of 100 would be a situation in which both groups (e.g. races) were completely segregated and in which every member of the minority group (e.g. African Americans) would have to move in order to achieve complete integration.

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. 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.

Table 11: Residential Segregation for African Americans in Large Metropolitan Areas Ranked by Dissimilarity Index.

	1990	2000	2010
Rank	MSA/PMSA Name	MSA/PMSA Name	MSA/PMSA 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.

While 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.³⁵ In fact, of the 10 most segregated large metropolitan areas in 2010, all but one (Los Angeles) are in the Northeast or Midwest.

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.³⁶ 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.

³⁵ See, e.g., Robert L. Smith and David Davis, "Migration Patterns Hold Back Cleveland," *Plain Dealer*, December 30, 2002.

³⁶ Rusk, David, "The 'Segregation Tax': The Cost of Racial Segregation to Black Homeowners," Washington, D.C.: Brookings Institution, October 2001.

With regard to segregation for Hispanics/Latinos, the situation has slowly improved in the past decade. Overall, Hispanics/Latinos in the region are less segregated than African Americans. The Cleveland metropolitan area has gone from being the ninth most segregated in 1990, the eleventh most segregated in 2000, and the twentieth most segregated in 2010. The segregation index peaked in 2000 at 58.5, a slight increase from 58.3 in 1990. In 2010, the segregation index decreased to 52.3, a -6.3 change in segregation.

Table 12: 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/University of Michigan.

VI. 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 44 years ago. Although residents have benefitted from the protections of the federal, state and local fair housing laws, racial and other forms of housing discrimination continue 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.

As noted at the outset of this report, housing discrimination affects not only whether or not an individual will be able to rent a given apartment or purchase a particular house. 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 due to home equity.

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.** Fair housing laws should protect a broader class of individuals than are currently protected by federal and state law.
 - The Housing Center believes that local governments should follow the lead of some of the cities identified in this report and prohibit discrimination based on their sexual orientation, gender identity, marital status, and age.
 - In addition, the Housing Center urges local governments to follow the example of the City of Wickliffe and prohibit discrimination based on source of income, to ensure that individuals who use housing subsidies (including “Section 8 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.
 - State and local visitability ordinances should be adopted 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, and limit the rights of Ohio citizens to bring fair housing cases and of the courts to issue appropriate remedies under state law. We urge concerned citizens and organizations to support the passage of legislation that would restore Ohio’s fair housing law and overturn these decisions.

- 2) **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 the 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 citizens 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."³⁷ The Housing Center believes that 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 those found guilty are punished, both as a means of compensating victims, as well as deterring future violations.

In addition, even though the Fair Housing Act's accessibility provisions for multi-family housing have been in place for over 19 years, 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.

- 3) **Adequately fund the new federal Consumer Financial Protection Bureau to protect individuals from abusive and unfair 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 effort to ensure that the CFPB has sufficient resources to adequately investigate and enforce anti-discrimination and consumer protection laws to ensure that discrimination is not occurring in the mortgage and financial services industries.³⁸
- 4) **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.³⁹ Additionally, many victims of housing discrimination are unaware of their rights under federal, state, and especially local laws, and of the procedures they

³⁷ 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).

³⁸ 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>.

³⁹ 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>

may use to vindicate those rights. As such, increased resources must be devoted to education on fair housing laws and procedures, as well as where individuals may turn for help if they have questions or believe their rights have been violated.

- 5) **Ensure that all online housing advertisements appearing on sites such as craigslist.org fully comply with fair housing laws** by requiring screening of discriminatory internet advertising by hosting sites. As housing providers and individuals seeking housing become more reliant on internet sites to advertise and search for housing, existing fair housing laws must be enforced, and the law should be clarified to ensure that internet publishers are held to the same standards as are print publishers.⁴⁰
- 6) **Provide government incentives to help achieve housing integration.** Forty-four 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, could be offered to individuals who make a racially diversifying move.

In addition, 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.

⁴⁰ The National Fair Housing Alliance (NFHA) recommends similar actions be taken to address the problem of discriminatory advertisements appearing on the internet. See National Fair Housing Alliance, “2009 Fair Housing Trends Report,” May 1, 2009, p. 5.

Appendix A

Population Data by County

Table 13: 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 14: 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 15: 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 16: 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 17: 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 18: 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.

Appendix B
Fair Housing Complaint Data by County

Table 19: Number and Basis of Complaints filed with HUD: 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
Total	23	0	0	4	1	10	38	2	78

Source: HRAC analysis of HUD data.

Table 20: Number and Basis of Complaints filed with HUD: 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
Total	869	20	41	162	109	424	417	72	2,114

Source: HRAC analysis of HUD data.

Table 21: Number and Basis of Complaints filed with HUD: 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
Total	17	0	1	0	2	8	23	6	57

Source: HRAC analysis of HUD data.

Table 22: Number and Basis of Complaints filed with HUD: 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
Total	65	2	1	15	13	76	116	2	290

Source: HRAC analysis of HUD data.

Table 23: Number and Basis of Complaints filed with HUD: 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	□	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
Total	62	3	3	13	13	35	40	16	185

Source: HRAC analysis of HUD data.

Table 24: Number and Basis of Complaints filed with HUD: 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
Total	17	0	1	4	11	44	41	5	123

Source: HRAC analysis of HUD data.

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 ("TEAPOTS") if the complaint alleges a basis of discrimination that is found under both federal and state law. In addition, 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.⁴¹ 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.⁴² 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.

⁴¹ Starting in 2009, HUD began retaining jurisdiction of cases alleging violations of the accessibility provisions for new multi-family construction.

⁴² 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.⁴³

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.⁴⁴ 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.⁴⁵ 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.

⁴³ 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).

⁴⁴ 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>.

⁴⁵ 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 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;
- 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

- Table 1: "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 2: 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.
- Table 3: U.S. Census Bureau, Table DP-1. Profile of General Demographic Characteristics: 2000; Table DP-1. General Population and Housing Characteristics: 1990; Table P-7. Race and Spanish Origin: 1980; Table 1. Summary of General Population Characteristics: 1980; 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: U.S. Census Bureau, Selected Social Characteristics, American Community Survey 3-Year Estimates: 2008-2010.
- Table 7: U.S. Census Bureau, Selected Housing Characteristics, American Community Survey 5-Year Estimates: 2006-2010.
- Table 8: U.S. Census Bureau, Table 2. Summary of General Housing Characteristics: 1980; Table H-1. Occupancy, Utilization, and Financial Characteristics of Housing Units: 1980; Table DP-1. Profile of General Demographic Characteristics: 2000; Table DP-1. General Population and Housing Characteristics: 1990; General Housing Characteristics: 2010 Census Summary File 1.
- Table 9: Compiled by Housing Research & Advocacy Center.
- Table 10: Housing Research & Advocacy Center analysis of data provided by U.S. Department of Housing and Urban Development.
- Table 11: Census Scope, Segregation Measures, found at <http://www.censuscope.org/2010Census/index.php>.
- Table 12: U.S. Census, "Racial and Ethnic Residential Segregation in the United States: 1980-2000," (August 2002), Tables 5-4 and 6-4.
- Tables 13-18: 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.
- 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
3631 PERKINS AVENUE, #3A-2
CLEVELAND, OHIO 44114
(216) 361-9240 (PHONE)
(216) 426-1290 (FAX)
www.thehousingcenter.org