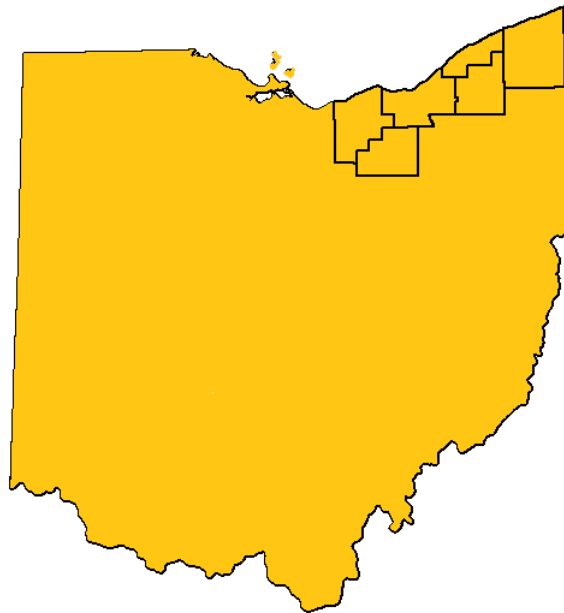


The State of Fair Housing in Northeast Ohio

April 2018



Michael Lepley & Lenore Mangiarelli



Fair Housing Center
for Rights & Research

About the Authors

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

LENORE MANGIARELLI is Fair Housing Center for Rights & Research's Research Associate. She received her Master of International Development from the University of Pittsburgh's Graduate School of Public and International Affairs.

Acknowledgements

This publication was supported with funding under a grant from the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The authors and the publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the view of the Federal Government.

About Fair Housing Center for Rights & Research

Fair Housing Center for Rights & Research (The Fair Housing Center) is a 501(c)(3) non-profit organization whose mission is to protect and expand fair housing rights, eliminate housing discrimination, and promote integrated communities. The Fair 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.

Copyright © 2018, Fair Housing Center for Rights & Research. All rights reserved.

Portions of this manual are reprinted from Fair Housing Center for Rights & Research's publications "State of Fair Housing in Northeast Ohio" © 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

Table of Contents

List of Tables..... ii

List of Figures..... iii

I. EXECUTIVE SUMMARY 1

II. FAIR HOUSING LAWS IN NORTHEAST OHIO 4

 A. Federal Law 4

 1. The Federal Fair Housing Act..... 4

 2. Challenges to the Fair Housing Act..... 5

 B. State Law 7

 1. Ohio Fair Housing Law 7

 C. Local Law 8

 1. Local Fair Housing Ordinances..... 8

 2. Fair Housing Issues in Municipal Ordinances 14

 a. Federal Exemptions and the Fair Housing Act 14

 i. Single-Family Home and Mrs. Murphy Exemptions 14

 ii. Federal Exemptions and Ohio Law 15

 iii. Single-Family Home Exemption, Mrs. Murphy Exemption, and Local Laws 15

 b. Criminal Activity Nuisance Ordinances 16

 c. Domestic Violence and Fair Housing..... 19

 i. The Reauthorization of the *Violence Against Women Act (VAWA)* 20

 ii. Ohio: Domestic Violence and Private Rental Housing 21

 iii. Criminal Activity Nuisance Laws and Domestic Violence 22

 d. Eviction and Fair Housing 25

 e. Fair Housing and Group Homes 27

 i. Density Requirements for Group Homes 28

 ii. Special Restrictions on Group Homes..... 31

 iii. Restrictions Based on Conditions Qualifying as Disabilities Under the Fair Housing Act..... 32

 iv. Restrictions Based on Involvement with the Criminal Justice System 33

III. FAIR HOUSING COMPLAINTS IN NORTHEAST OHIO	36
A. Federal and State Complaint Process	36
B. Number of Complaints Filed in Region	36
C. Sexual Orientation and Gender Identity Discrimination in Cuyahoga County	39
IV. DEMOGRAPHICS OF THE REGION	41
A. Region Covered	41
B. Population of the Region.....	41
V. RACIAL AND ETHNIC SEGREGATION IN NORTHEAST OHIO	50
A. Racial Dissimilarity Indices.....	50
B. Housing Voucher Mobility in Cuyahoga and Lorain Counties.....	55
C. Housing Voucher Discrimination and Race Discrimination in Cuyahoga County	58
VI. FAIR LENDING IN NORTHEAST OHIO	60
VII. RECOMMENDATIONS	64
Appendix A: Population Data by County	69
Appendix B: Fair Housing Complaint Data by County	74
Appendix C: Methodology for Calculating Fair Housing Complaint Data	80
Appendix D: Methodology for Calculating Instances of Housing Discrimination.....	81
Appendix E: Data Sources	83

List of Tables

Table 1: Local Fair Housing Laws in Northeast Ohio.....	10
Table 2: Total Eviction Cases Filed in Municipal Courts of Cuyahoga County in 2016	27
Table 3: Fair Housing Complaints Filed with HUD in the Region from 1992 to 2017	37
Table 4: Population of the Region by County	41
Table 5: Percent of Population that is Foreign Born.....	46
Table 6: Households with Individuals under 18	46
Table 7: Residential Segregation for African Americans in Large Metropolitan Areas Ranked by Dissimilarity Index.....	51

Table 8: Residential Segregation for Hispanics/Latinos in Large Metropolitan Areas Ranked by Dissimilarity Index.....	53
Table 9: Race and Population: Ashtabula County.....	69
Table 10: Race and Population: Cuyahoga County.....	69
Table 11: Race and Population: Geauga County.....	70
Table 12: Race and Population: Lake County.....	70
Table 13: Race and Population: Lorain County.....	71
Table 14: Race and Population: Medina County.....	71
Table 15: Housing Built in the Region by Decade, 2013.....	72
Table 16: Home Purchase Loan Denials for Cleveland MSA, 2014-2015.....	72
Table 17: Refinance Loan Denials for Cleveland MSA, 2014-2015.....	73
Table 18: High-Cost Home Purchase Loans for Cleveland MSA, 2014-2015.....	73
Table 19: High-Cost Refinance Loans for Cleveland MSA, 2014-2015.....	73
Table 20: Fair Housing Complaints Filed in Ashtabula County.....	74
Table 21: Fair Housing Complaints Filed in Cuyahoga County.....	75
Table 22: Fair Housing Complaints Filed in Geauga County.....	76
Table 23: Fair Housing Complaints Filed in Lake County.....	77
Table 24: Fair Housing Complaints Filed in Lorain County.....	78
Table 25: Fair Housing Complaints Filed in Medina County.....	79

List of Figures

Figure 1: Fair Housing Complaints Filed with HUD in the Region from 1992 to 2017.....	38
Figure 2: Fair Housing Complaints Filed Over 5-Year Periods.....	39
Figure 3: Rate of Population Change in the Region by Census Tract from 1970 to 1980.....	43
Figure 4: Rate of Population Change in the Region by Census Tract from 1980 to 1990.....	43
Figure 5: Rate of Population Change in the Region by Census Tract from 1990 to 2000.....	44
Figure 6: Rate of Population Change in the Region by Census Tract from 2000 to 2010.....	44
Figure 7: Race and Ethnicity in the Region.....	45
Figure 8: Population with a Disability in Region in 2010.....	47
Figure 9: Median Year Housing Built by Census Tract, 2013.....	48
Figure 10: Housing Units in Structures with 5 or More Units in Region by Year Built.....	49
Figure 11: African American Population of the Region by Census Tract, 2010.....	51

Figure 12: Hispanic/Latino Population of the Region by Census Tract, 2010	54
Figure 13: Households with Vouchers and Minority Concentrations in Cuyahoga and Lorain Counties by Census Tract, 2014.....	55
Figure 14: LIHTC Properties and Racial and/or Ethnic Composition by Census Tract, 2014.....	57
Figure 15: Location of Housing Voucher Renter Investigations and Housing Vouchers as a Percentage of All Renters in Cuyahoga County by Census Tract in 2015.....	58
Figure 16: Results of Part One Experiment Group and Control Group Tests	59
Figure 17: Denial Rates of Home Purchase Loans, 2014.....	60
Figure 18: Denial Rates of Home Purchase Loans, 2015.....	60
Figure 19: Denial Rates of Refinance Loans, 2014	61
Figure 20: Denial Rates of Refinance Loans, 2015	61
Figure 21: Rate of High-Cost Home Purchase Loans, 2014.....	62
Figure 22: Rate of High-Cost Home Purchase Loans, 2015.....	62
Figure 23: Rate of High-Cost Refinance Loans, 2014	63
Figure 24: Rate of High-Cost Refinance Loans, 2015	63

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 Fair Housing Center's thirteenth annual comprehensive survey of fair housing in Northeast Ohio.² The report finds that 50 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 2017, there were 115 complaints of housing discrimination filed in Northeast Ohio with the U.S. Department of Housing and Urban Development (HUD). This number is a decrease from the 143 complaints filed in 2016. It is lower than the average number of complaints filed in the last 25 years (141.9). The most common bases of discrimination alleged in complaints filed in 2013-2017 were disability (37.6%), familial status (19.6%), and race (19.8%). A 2016 study by The Fair Housing Center uncovered housing discrimination in Cuyahoga County against LGBTQ renters in 34.1% of rental transactions.

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 Fair Housing Center estimates that there are annually at least 33,690 instances of housing discrimination in the region against African Americans, Hispanics/Latinos, 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. Affordable rental programs such as the Housing Choice Voucher Program and the Low Income Housing Tax Credit Program (LIHTC) are not expanding choice for low-income people of color as voucher participants and properties using the LIHTC program are clustered in areas with concentrated, racialized poverty.

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 39 in Cuyahoga County, 4 in Lake County, 10 in Lorain County, and 4 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

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.

protection to additional classes of people. The grounds protected by local ordinances (and the number of jurisdictions providing such protection) include age (28 ordinances), marital status (21), creed (20), sexual orientation (22), disabled veteran status and Vietnam veteran status (4), ethnic group (5), gender identity (15), military discharge status (1), occupation (1), parental status (1), physical characteristic (1), source of income (6), and association with a protected class (3).

The Fair 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;
 - Further amending Ohio fair housing law to ensure substantial equivalency to federal law;
 - Prohibiting blanket bans on criminal backgrounds.
2. Conform local ordinances to Ohio law, eliminate exemptions for small housing providers, and ensure local ordinance enforcement mechanisms are in place.
3. Review and revise local nuisance ordinances to ensure that they do not penalize renters; people of color; victims of domestic violence, dating violence, stalking, or sexual assault; or those with mental disabilities or mental health crises.
4. Support statewide legislation to protect victims of domestic violence, dating violence, stalking, and sexual assault from housing discrimination.
5. Oppose the "Local Zoning Decisions Act of 2017" in Congress, which undermines federal and local efforts to use federal money to increase residential integration.
6. Review restrictive language in group home zoning ordinances and oppose the Safe Recovery and Community Empowerment Act of 2017, which would restrict the siting of group homes and residential recovery facilities and restrict access to such homes for those persons in need of support and recovery from drug or alcohol addiction.
7. Research and utilize a regional Assessment of Fair Housing.
8. Create a Housing Choice Voucher mobility program.
9. Award Low Income Housing Tax Credits for new development in high-opportunity, integrated neighborhoods.
10. 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.
11. Support and adequately fund the Consumer Financial Protection Bureau to protect the public from abusive and unfair financial products and services.
12. 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.
13. Provide government incentives and other creative solutions to combat housing discrimination and racial and economic segregation.

14. Continue to fund comprehensive local fair housing programs, including enforcement, client intake and assistance, testing, research, and advocacy.

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.

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.

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 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 activities, a record of having such an impairment, or being regarded as having such an impairment. 42 U.S.C. §3602(h).

The federal Fair Housing Act does not explicitly protect people from housing discrimination on the bases of sexual orientation or gender identity. However, in 2010 the federal government announced that HUD will, when appropriate, retain jurisdiction over complaints filed by LGBTQ individuals. HUD stated that housing discrimination based on non-conformity with gender stereotypes is sex discrimination under the federal Fair Housing Act. Furthermore, housing discrimination based on the stereotype that because someone is gay they may have HIV/AIDS is discrimination on the basis of regarding that person as having a disability.⁷ In March 2017, the Fair and Equal Housing Act was introduced to the House of Representatives, which would amend the Fair Housing Act to include sexual orientation and gender identity as protected classes under the FHA in the rental, sale, or financing of housing. Related bills have been introduced throughout 2017 in the House and Senate.⁸

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

In 2018, HUD suspended the Affirmatively Furthering Fair Housing Rule (AFFH).⁹ The 2015 rule required recipients of federal funds to take *meaningful actions*, in addition to combating discrimination, that would overcome patterns of segregation and foster inclusive communities, address significant disparities in housing needs and in access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform racial and ethnic areas of poverty into areas of opportunity, and foster and maintain compliance with civil rights and fair housing laws.¹⁰ In addition, the AFFH rule was meant

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.)

⁷ Shantae Goodloe, “HUD Issues Guidance on LGBT Housing Discrimination Complaints: Department Addresses Housing Discrimination Based on Sexual Orientation and Gender Identity,” HUD No. 10-139 (July 1, 2010).

⁸ Fair and Equal Housing Act of 2017, H.R. 1447, 115 Cong. (March 2017). Fair and Equal Housing Act of 2017, S. 1328, 115 Cong. (June 2017). Equality Act, H.R. 2282, 115 Cong. (May 2017). Equality Act, S. 1006, 115 Cong. (May 2017).

⁹ The United States Department of Housing and Urban Development, “Affirmatively Furthering Fair Housing: Extension of Deadline Submission of Assessment of Fair Housing for Consolidated Plan Participants,” *Federal Register* vol. 83, no. 4 (January 5, 2018).

¹⁰ The United States Department of Housing and Urban Development, “Affirmatively Furthering Fair Housing; Final

to replace the obligation to prepare an Analysis of Impediments to Fair Housing (AI) with an Assessment of Fair Housing (AFH). The purposes of the AFH was to help program participants undertake fair housing planning in an easier-to-use and standardized format and to lead to meaningful actions that would overcome historic patterns of segregation, promote fair housing choice and foster inclusive communities that are free from discrimination. The AFH would have included an analysis of fair housing data, an assessment of fair housing issues and contributing factors, an identification of fair housing priorities and goals; and would be conducted and submitted to HUD using the Assessment Tool.¹¹ The AFFH Rule improved on the AI by:

- Offering regulatory guidance on what constituted an impediment when there had previously been none
- Requiring public participation
- Requiring submission directly to HUD for review
- Linking the AFH directly to a jurisdiction's consolidated plan
- Prescribing a schedule for timely updating¹²

Two identical bills introduced in Congress in 2017, if passed, would undo recent integration efforts by HUD. The "Local Zoning Decisions Protection Act of 2017" would nullify the Affirmatively Furthering Fair Housing Rule and prohibit the use of federal funds to "design, build, maintain, utilize or provide access to a federal database of geospatial information on community racial disparities or disparities in access to affordable housing."¹³ The Affirmatively Furthering Fair Housing rule, finalized in 2015, provides guidance to jurisdictions receiving federal funds on meeting their obligation to take "meaningful actions...that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characterizes."¹⁴ As part of the new rule, HUD standardized the fair housing planning process for jurisdictions by releasing the Assessment of Fair Housing tool, which includes easy-to-use geospatial representation of census data, opportunity mapping, and data on federal housing programs. HUD also maintains other geospatial databases on federal housing programs in various formats for public use. Communities receiving HUD funds are similarly obligated to utilize those funds in a manner to affirmatively further fair housing. The proposed legislation would eliminate guidance and resources designed to streamline their work in this regard, increasing the burden on communities to conduct their own independent data collection and assessments.

Rule." *Federal Register vol. 80, no. 136* (July 16, 2015).

¹¹ The United States Department of Housing and Urban Development, "Affirmatively Furthering Fair Housing; Final Rule." *Federal Register vol. 80, no. 136* (July 16, 2015).

¹² National Low Income Housing Coalition, "HUD Suspends Assessment of Fair Housing Submissions until after October, 2020," January 08, 2018 <http://nlihc.org/article/hud-suspends-assessment-fair-housing-submissions-until-after-october-2020> (accessed March 21, 2018).

¹³ Local Zoning Decisions Protection Act of 2017, S. 103, 115 Cong. (2017).

Debby Goldberg, "New Bills Would Enforce Ignorance on State of Housing Opportunity," *Rooflines: The Shelterforce Blog* (February 9, 2017) <http://www.rooflines.org/4769/new-bills-would-enforce-ignorance-on-state-of-housing-opportunity> (Accessed February 23, 2017)

¹⁴ The United States Department of Housing and Urban Development, "Affirmatively Furthering Fair Housing; Final Rule," *Federal Register vol. 80, no 136* (July 16, 2015).

In January 2017, a bill was introduced in the House of Representatives that would narrow the scope of the Fair Housing Amendments Act providing that nothing in the Fair Housing Act related to protections for people with disabilities prohibits federal, state, and local bodies from:

- requiring a reasonable minimum distance between residential recovery facilities within a particular area zoned for residential housing if such requirement is necessary to preserve the residential character of the area and allows for some of such facilities to be located within such area; and
- requiring that such a facility obtain an operating license or use permit or satisfy a set of consumer protection standards, which may include a maximum capacity requirement.¹⁵

Under current law, HUD and DOJ have stated that minimum distance requirements for groups homes for people with disabilities in zoning codes are inconsistent with the Fair Housing Act.¹⁶ Please see page 27 for an in-depth discussion on minimum distance requirements for groups homes for people with disabilities.

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, familial status, and disability). It also prohibits discrimination based on two additional grounds: “ancestry,” a somewhat different and potentially broader category than national origin, and military status. Ancestry refers to a person’s ethnic origin or descent, “roots,” or heritage, or the place of birth of the person or the person’s parents or ancestors before their arrival in the United States.¹⁷ 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.¹⁸

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

¹⁵ Safe Recovery and Community Empowerment Act of 2017, H.R. 472 115 Cong. (2017).

¹⁶ 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).

¹⁷ United States Census Bureau, *Ancestry*, Accessed March 29, 2018:
<https://www.census.gov/topics/population/ancestry/about.html>

¹⁸ 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 14.

law in several key respects.¹⁹ 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.²⁰ 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.²¹ Ohio’s fair housing law was amended in 2016 to eliminate punitive damages and change the oath requirements for filing complaints.²² In March 2017, Senate Bill 100 and House Bill 160 were introduced in the Ohio legislature, which would prohibit discrimination on the basis of sexual orientation and gender identity or gender expression.²³

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, 3 governments in Ashtabula County have passed fair housing ordinances, along with 39 in Cuyahoga County, 4 in Lake County, 10 in Lorain County, and 4 in Medina County. There are no local fair housing ordinances in Geauga County.²⁴ While some of these ordinances provide the same

¹⁹ 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).

²⁰ *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*.

²¹ 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).

²² Ohio General Assembly. House. House Bill No. 463. 131st General Assembly Regular Session 2015-2016 (passed December 08, 2016).

²³ Senate Bill 132, “Expand civil rights and other procedures,” General Assembly 132, The Ohio Legislature (2017).

House Bill 160, “Expand civil rights and other procedures,” General Assembly 132, The Ohio Legislature (2017).

²⁴ 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.

protection as federal or state law, others are broader, offering protection from discrimination to additional classes of individuals.²⁵ The additional classes protected by cities in the region (and the number of local jurisdictions protecting them) include age (28 ordinances), marital status (21), creed (20), sexual orientation (22), disabled veteran status and Vietnam veteran status (4), ethnic group (5), gender identity (15), military discharge status (1), occupation (1), parental status (1), physical characteristic (1), source of income (6), and association with a protected class (3).

In 2017, the City of Brunswick in Medina County considered a fair housing ordinance that would include expansive protections from discrimination among the following classes: race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class, and source of income. However, the ordinance was not passed in 2017.²⁶ In March 2017, the City of Olmsted Falls passed an anti-discrimination law, which includes the LGBTQ community. In early April 2018, The City of South Euclid City Council also enacted a comprehensive nondiscrimination ordinance to ensure nondiscrimination for the LGBTQ community in housing, employment, and public accommodations.²⁷

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.

²⁵ 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.

²⁶ Proposed Codified Ordinance of the City of Brunswick, Ohio § 862; Ordinance No. 11-17 which would establish Chapter 862 of the Ordinances of the City of Brunswick Relative to Fair Housing, if passed.

²⁷ Codified Ordinances of the City of South Euclid, Ohio § 552; Ordinance No. 12-17, establishing Chapter 522, "Discrimination Prohibited" of Part Five "General Offenses Code" of the of the Ordinances of the City of South Euclid, Ohio. Accessed April 11, 2018: <https://www.cityofsoutheuclid.com/wp-content/uploads/2018/04/4-9-18-Agenda-Legislation.pdf>

Ordinance	563	771	773	519	715	516	515	825	150	743	515	1901	628	628	1353	623	622
Complaint Process	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Fair Housing Board	N	N	N	N	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	N	N
Association with a Protected Class																	
Occupation																	
Source of Income							X										
Physical Characteristic						X											
Vietnam/Disabled Vet Status																	
Military Discharge Status																	
Ethnic Group																	
Sexual Orientation		X				X	X	X			X	X				X	
Gender Identity						X	X	X								X	
Parental Status																	
Marital Status						X			X								
Creed	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	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	X
Familial Status (Federal coverage)	X	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	X
National Origin (Federal coverage)	X	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	X
Color (Federal coverage)	X	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	X
Cuyahoga County (Continued)																	
Fairview Park																	
Garfield Heights																	
Gates Mills																	
Glenwillow																	
Highland Hills																	
Lakewood																	
Linddale																	
Maple Heights																	
Mayfield Heights																	
Mayfield Village																	
Newburgh Heights																	
North Olmsted																	
North Randall																	
North Royalton																	
Oakwood																	
Olmsted Falls																	
Parma																	

Ordinance	622	749	538	515	522	1484	820	113	515	553,727
Complaint Process	Y	Y	N	Y	Y	N	Y	Y	N	Y
Fair Housing Board	Y	Y	N	Y	Y	N	Y	N	N	Y
Association with a Protected Class					X		X			
Occupation										
Source of Income					X		X	X		
Physical Characteristic										
Vietnam/Disabled Vet Status										
Military Discharge Status										
Ethnic Group					X					
Sexual Orientation				X	X		X	X		
Gender Identity				X	X		X	X		
Parental Status										
Marital Status					X					X
Creed								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
Handicap/Disability (Federal cvrg.)	X	X	X	X	X	X	X	X	X	X
Familial Status (Federal coverage)	X	X	X	X	X	X	X	X	X	
Sex/Gender (Federal coverage)	X	X	X	X	X	X	X	X	X	X
National Origin (Federal coverage)	X	X	X	X	X	X	X	X	X	X
Religion (Federal coverage)	X	X	X	X	X	X	X	X	X	X
Color (Federal coverage)	X	X	X	X	X	X	X	X	X	X
Race (Federal coverage)	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										1175
Mentor-on-the-Lake										628
Painesville										1377
Wickliffe										1103

Ordinance		561	626	725	628	136	Res. 11-525	628	1185	790	628		Ord. 610-05	Res. 81-509	515
Complaint Process		Y	N	Y	Y	Y	Y	Y	N	Y	Y		N	Y	Y
Fair Housing Board		Y	N	Y	Y	Y	Y	Y	N	Y	Y		N	Y	Y
Association with a Protected Class															
Occupation		X													
Source of Income															
Physical Characteristic															
Vietnam/Disabled Vet Status						X				X					
Military Discharge Status															
Ethnic Group						X			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				X								
Ancestry (state coverage)			X			X			X	X	X				
Handicap/Disability (Federal cvrg.)		X	X	X	X	X	X	X	X	X			X	X	X
Familial Status (Federal coverage)		X	X	X		X	X		X	X					
Sex/Gender (Federal coverage)		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
Religion (Federal coverage)		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
Race (Federal coverage)		X	X	X	X	X	X	X	X	X	X		X	X	X
	Lorain County														
	Amherst														
	Avon														
	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 Ordinances²⁸

The Fair 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))²⁹ 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

²⁸ 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.

²⁹ 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.

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 advertisement. 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.

ii. Federal Exemptions and Ohio Law

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 exemptions 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, source of income 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 of duplexes, quadruplexes, and single-family homes.

The Fair 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 County³⁰

City or Village	Single-Family Home Exemption	Mrs. Murphy Exemption
Brooklyn	Yes	Yes
Euclid	No	Yes ³¹
Gates Mills	Yes	Yes
Highland Hills	Yes	Yes ³²
Mayfield Village	Yes	Yes
Newburgh Heights	Yes	Yes
North Olmsted	Yes	Yes
North Randall	Yes	Yes
Oakwood	Yes	Yes
Parma	Yes	Yes ³³
Parma Heights	Yes	Yes
Shaker Heights	Yes	Yes
South Euclid	Yes	Yes

Lorain County³⁴

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

b. Criminal Activity Nuisance Ordinances

Criminal activity nuisance ordinances (CANOs) are municipal laws that penalize property owners for occurrences of crime and other “nuisance” behaviors on or near their property. These laws often list specific behaviors that are classified as a nuisance and sometimes allow for a vague interpretation of what qualifies

³⁰ Codified Ordinances of the City of Brooklyn § 745.03 (Ord. 2010-46. Passed 9-27-10.), Codified Ordinances of the City of Euclid § 763.04 (Ord. 141-1992. Passed 6-1-92.), Codified Ordinances of the Village of Gates Mills § 773.03 (Ord. 2001-13. Passed 3-13-01.), Codified Ordinances of the City of Highland Hills § 715.03 (Ord. 2000-58. Passed 10-11-00.), Codified Ordinances of the Village of Mayfield § 743.03 (Ord. 98-12. Passed 2-16-98), Codified Ordinances 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 Ordinances of the Village of North Randall § 628.04 (Ord. 1996-4. Passed 2-12-96). Codified Ordinances of the Village of Oakwood §1353.03 (Ord. 2002-38. Passed 10-8-02.), Codified Ordinances of the City of Parma § 622.03 (Ord. 142-88. Passed 6-20-88.), Codified Ordinances of the City of Parma Heights § 622.03 (Ord. 2011-38. Passed 12-28-11.), Codified Ordinances of the City of Shaker Heights § 515.03 (Ord. 06-20. Enacted 2-27-06.) Codified Ordinances of the City of South Euclid §1408.03 (Ord. 9-98. Passed 2-23-98; Ord. 76-02. Passed 12-23-02.)

³¹ Exemption only applies to owner-occupied duplexes

³² Exemption on the basis of family status only

³³ Exemption only applies to owner-occupied duplexes

³⁴ Codified Ordinances of the City of Elyria § 725.10 (Ord. 96-98. Passed 5-6-96.)

as a nuisance (in one case of CANO enforcement a property owner received a citation due to children playing basketball outside). In some municipalities calling emergency services during a medical crisis can trigger action under a CANO (in multiple cases cities implemented their CANO when a resident attempt to self-harm during a mental health crisis). CANOs often define a timeline wherein if a specified number of “nuisance” activities occur the jurisdiction will compel the property owner to “abate” the nuisance or issue a penalty against the property owner. Abatement often comes in the form of a landlord evicting a tenant; some city law directors actively encourage the use of eviction as a remedy for a property owner to avoid penalties. Penalties often can come in the form of fines, property owners being billed for the cost of city services, or misdemeanor charges against the property owner.³⁵

There are 35 CANOs in the six-county region analyzed in this report. Northeast Ohio contains 70% of all CANOs in the state of Ohio. Many municipalities have adopted CANOs as a response to a perception of incoming renters, especially those using housing subsidies such as the Housing Choice Voucher (some cities have used CANOs to evict HCVP participants by crosschecking alleged nuisance activity against lists of HCVP renters and requesting that the housing authority revoke the vouchers from these tenants), and with the perception of changing neighborhood characteristics, often with racial undertones. In practice, CANO enforcement has been used in Cuyahoga County as a tool for control and exclusion of vulnerable renters by penalizing and removing renters experiencing mental health crises, drug addiction, and domestic violence when they called emergency services (see page 22 for more discussion on CANOs and domestic violence). CANOs have the effect of discouraging renters from calling emergency services, destabilizing their housing, and increasing homelessness. The inability to call emergency services in response to a mental health crisis for fear of being deemed a nuisance can place the individual at-risk in an increasingly vulnerable position.³⁶

CANOs disproportionately affect people of color, renters (particularly participants of the housing choice voucher program), victims of domestic violence, and people with disabilities, and likely violate the United States Constitution and the federal Fair Housing Act.³⁷

³⁵ Joseph Mead, Megan E. Hatch, J. Rosie Tighe, Marissa Pappas, Kristi Andrasik, and Elizabeth Bonham, “Treating Neighbors as Nuisances: Troubling Applications of Criminal Activity Nuisance Ordinances,” *Cleveland State Law Review Et Cetera*, Vol. 66, Article 3, March 42, 2018.

³⁶ Joseph Mead, Megan E. Hatch, J. Rosie Tighe, Marissa Pappas, Kristi Andrasik, and Elizabeth Bonham, “Who is a Nuisance: Criminal Nuisance Activity Ordinances in Ohio,” Cleveland State University Office of Research (November 2017).

³⁷ Joseph Mead, et. al., “Treating Neighbors as Nuisances: Troubling Applications of Criminal Activity Nuisance Ordinances,” *Cleveland State Law Review Et Cetera*, Vol. 66, Article 3, March 42, 2018.

The Fair Housing Center reviewed ordinances for every city and village in Northeast Ohio for nuisance ordinances and identified the following:

Ashtabula County³⁸

- Ashtabula
- Geneva-on-the-Lake

Cuyahoga County³⁹

- Bedford
- Bedford Heights
- Berea
- Brooklyn
- Cleveland
- Cleveland Heights
- Cuyahoga Heights
- East Cleveland
- Euclid
- Fairview Park
- Garfield Heights
- Lakewood

³⁸ Codified Ordinances of the Village of Geneva-on-the-Lake §151 (Ord. 2012-53. Passed 8-6-12).

³⁹ Codified Ordinances of the City of Bedford § 511.12 (Ord. 9187-14 Passed 7-21-14). Codified Ordinances of the City of Bedford Heights § 561.01(Ord. 2007-089. Passed 4-17-07). Codified Ordinances of the City of Berea § 931.02 (Ord. 2009-1. Passed 1-5-09). Codified Ordinances of the City of Brooklyn § 503.01(Ord. 2005-19. Passed 5-23-05). Codified Ordinances of the City of Cleveland § 630.01(Ord. No. 665-16. Passed 8-10-16, eff. 8-11-16). Codified Ordinances of the City of Cleveland Heights § 553.01(Ord. 122-2015. Passed 11-2-15). Codified Ordinances of the Village of Cuyahoga Heights § 680.07 (Ord. 2012-98. Passed 10-10-12). Codified Ordinances of the City of East Cleveland § 1315.01 (Ord. 98-04. Passed 6-29-04). Codified Ordinances 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 Ordinances of the City of Fairview Park § 509.18 (Ord. 04-33. Passed 12-20-04). Codified Ordinances of the City of Garfield Heights § 555.01 (Ord. 04-2011. Passed 1-24-11). Codified Ordinances of the City of Lakewood § 510.01 (Ord. 23-08. Passed 12-15-2008). Codified Ordinances of the City of Lyndhurst § 161.01 (Ord. 2017-11. Passed 2-20-17). Codified Ordinances 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; Ord. 2014-04. 2-5-14). Codified Ordinances of the City of Mayfield Heights §153.02 (Ord. 2017-6. Passed 1-23-17; Ord. 2017-8. Passed 3-13-17). Codified Ordinances of the Village of Newburgh Heights §1355.01 (Ord. 2007-27. Passed 9-18-07). Codified Ordinances of the City of North Olmsted §561.01 (Ord. 2008-62. Passed 8-5-08). Codified Ordinances of the Village of Oakwood §122.01 (Ord. 2011-54. Passed 10-25-11). Codified Ordinances of the City of Parma § 606.31 (Ord. 220-04 Passed 6-20-05; Ord.178-12 Passed 9-17-12). Codified Ordinances of the City of Shaker Heights §109.01 (Ord. 16-109. Enacted 10-24-16). Codified Ordinances of the City of Seven Hills §565.02 (Ord. 95-2015. Passed 10-13-15). Codified Ordinances 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 Ordinances of the City of University Heights § 648.17 (Ord. 2004-42. Passed 11-14-2004; Ord. 2007-66. Passed 11-19-2007.) Codified Ordinances of the Village of Woodmere § 551.07 (Ord. 2014-106. Passed 11-12-14).

- Lyndhurst
- Maple Heights
- Mayfield Heights
- Newburgh Heights
- Oakwood
- Parma
- Seven Hills
- Shaker Heights
- South Euclid
- University Heights
- Warrensville Heights
- Woodmere

Lake County:⁴⁰

- Mentor
- Mentor on the Lake
- Painesville

Lorain County:⁴¹

- Avon Lake
- Sheffield Lake
- Wellington*

Medina County:⁴²

- Brunswick
- Wadsworth

c. 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.

⁴⁰ Codified Ordinance of the City of Mentor § 1349 (Ord. 1969 Code 96.11; Ord. 15-O-99. Passed 12-1-15; Ord. 17-O-86. Passed 9-19-17.) Codified Ordinance of the City of Mentor on the Lake § 606.31 (Ord. 2009-O-07. Passed 3-24-09). Codified Ordinance of the City of Painesville § 508.20 (Ord. 22-08. Passed 11-3-08).

⁴¹ Codified Ordinances of the City of Avon Lake, Ohio § 662.01 (Ord. 54-2015. Passed 4-13-15). Codified Ordinances of the City of Sheffield Lake, Ohio § 1395.25 (Ord. 1-14. Passed 1-14-14). Codified Ordinances of the City of Wellington, Ohio § 501.14 (Ord. 2016-17. Passed 6-20-16).

⁴² Codified Ordinances of the City of Wadsworth §93.70 (Ord. 13-039, passed 7-16-13).

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 another person under the tenant’s control could lead to eviction for the entire household.⁴³ 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.⁴⁴ As a result, victims of domestic violence, who are predominantly women, were evicted from their housing. In 2017, the Fair Housing for Domestic Violence and Sexual Assault Survivors Act was introduced into the Senate. The bill would amend the Fair Housing Act to prohibit discrimination against or regarding survivors of domestic violence or sexual assault. A related bill was introduced in the House of Representatives in April 2017.⁴⁵

i. The 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 or Project-Based Subsidized Housing, or who participate in the Housing Choice Voucher Program. This law offered special protections and included an exemption to the “one strike” rule for victims of domestic violence.⁴⁶ 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 2013:⁴⁷

- HOME Investment Partnerships Program
- Section 202 Supportive Housing for the Elderly
- Section 236 Rental Program

⁴³ “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>

⁴⁴ Lisa Matukaitis, “Housing Evictions and Domestic Violence,” *Pennsylvania Coalition Against Domestic Violence*, Battered Women’s Justice Project-Civil, September 2004.

⁴⁵ Fair Housing for Domestic Violence and Sexual Assault Survivors Act of 2017, S.858, 115th Congress (April 2017).

⁴⁶ “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>

⁴⁷ Sandra B. Henriquez, “*New Housing Protections in VAWA 2013*,” U.S. Department of Housing and Urban Development (2013)

United States Department of Housing and Urban Development, “Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs,” *Federal Register vol. 81, on 221* (November 16, 2016).

- Section 811 Supportive Housing for People with Disabilities
- 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.
- Gives victims of domestic violence the right to self-certify.
- Offers additional protections for immigrant victims of domestic violence.

In November 2016, the VAWA final rule implemented the requirements of VAWA per HUD regulations. In June 2017, HUD issued VAWA 2013 guidance for multi-family owners and management agents. The 2017 guidance outlines adverse rental factors that may be the direct result of domestic violence, such as poor credit history, poor rental history, criminal record, or failure to pay rent, and methods to determine when the factors are the direct result of domestic violence, allowing for a nuanced evaluation of a domestic violence survivors' rental history. The guidance reaffirms that all fair housing and civil rights laws apply to victims of domestic violence.⁴⁸

ii. Ohio: Domestic Violence and Private Rental Housing

States across the nation have enacted laws to protect victims of domestic violence in private rental housing. Twenty-four states and localities have eviction defense laws for survivors of domestic violence, 27 have early release termination laws, 18 have lock change laws, 8 allow lease bifurcations, 14 have laws protecting survivor-tenant's right to call police or emergency assistance, 37 permit courts to exclude the abuser from property and grant possession of property to survivor, 18 require the abuser to pay for or provide housing for survivor, 11 impose liability on abuser for damages to unit, 5 provide relocation assistance or right to emergency transfer, and 43 have laws pertaining to confidentiality of housing records and address confidentiality. The state of Ohio provides address confidentiality, a petitioner's right to obtain a protection order, orders to exclude restrained party from the petitioner's residence, and orders allowing restrained party to provide suitable alternate housing in the case of a consent agreement.⁴⁹ In February 2018, House Bill 1 was passed by both the Ohio House and the Ohio Senate, which authorizes dating violence protection orders for victims of intimate partner violence.⁵⁰ Legislation relating to domestic violence and private housing was introduced in the Ohio House most recently in 2013. House Bill No. 297 (H.B. 297) proposed

⁴⁸ "Violence Against Women Act (VAWA) Reauthorization Act of 2013—Additional Guidance for Multifamily Owners and Management Agents," U.S. Department of Housing and Urban Development, June 2017.

⁴⁹ National Housing Law Project, "Housing Rights of Domestic Violence Survivors: A State and Local Law Compendium," December 2016. Accessed March 2, 2018: <https://web.archive.org/web/20170824131912/http://nhlp.org/files/CombinedD-HousingStateLawCompendium.pdf>

⁵⁰ House Bill 1, "Authorize dating violence protection orders," General Assembly 132, The Ohio Legislature (2018).

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.⁵¹

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.⁵² Expanding the law to cover the private rental market would protect more 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. Criminal Activity Nuisance Laws and Domestic Violence

Across the country, domestic violence is one of the most common causes of nuisance citations.⁵³ A 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.⁵⁴

Eviction is the most common response to a nuisance notification, which can place the residents at risk for

⁵¹ 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>

⁵² Callie Marie Rennison, and Sarah Welchans, "Special Report: Intimate Partner Violence," *Bureau of Justice Statistics* (2000).

⁵³ American Civil Liberties Union, "Silenced: How Nuisance Ordinances Punish Crime Victims in New York," Accessed March 5, 2018: https://www.aclu.org/files/field_document/equ15-report-nuisanceord-rel3.pdf.
Anna Kastner, "The Other War at Home: Chronic Nuisance Laws and the Revictimization of Survivors of Domestic Violence," *California Law Review*, Vol. 103, Issue 4, Article 5 (August 2015).

⁵⁴ 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).

increased housing instability and exacerbate what triggered the nuisance citation, such as domestic violence or a mental health crisis. 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.⁵⁵ 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. For those with mental health problems, the housing instability that can result from eviction may further aggravate their vulnerable situation and lead to homelessness or institutionalization.⁵⁶

Women comprise 85% of all victims of domestic violence, making women five times more likely to be victims of domestic violence than men. Nuisance ordinances that include domestic violence have a disproportionate impact on women. Women of color experience higher rates of domestic violence than do white women (35% higher rate) and 2.5 times the rate of women of other races.⁵⁷ 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.⁵⁸

The nuisance abatement ordinance of the City of Norristown, Pennsylvania was 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. Norristown's nuisance ordinance was repealed, but was quickly replaced with a new ordinance, which puts the onus of abatement on the landlord.⁵⁹ Advocates for victims of domestic violence argue that the revised ordinance in practice continues to violate 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. Protected classes potentially disparately impacted by CANOs include sex (women), race, national origin, and family status; disability could also be an affected

⁵⁵ Anne Menard, "Domestic Violence and Housing: Key Policy and Program Challenges," *Violence Against Women* 7 no. 6 (2001).

⁵⁶ Meghan Carter, "How Evictions from Subsidized Housing Routinely Violate the Rights of Persons with Mental Illness," *Northwestern Journal of Law & Social Policy*, Vol. 5, Issue 1, Article 5, Spring 2010.

⁵⁷ "Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act (FHAct) and the Violence Against Women Act (VAWA)," *U.S. Department of Housing and Urban Development*, 2011.

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).

⁵⁸ "Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act (FHAct) and the Violence Against Women Act (VAWA)," *U.S. Department of Housing and Urban Development*, 2011.

⁵⁹ "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>

protected class when a CANO negatively impacts an individual with a mental health disability.

In 2017, students of the Cleveland State University Levin College of Urban Affairs engaged in local advocacy efforts with various municipalities around the issue of nuisance laws effect on victims of domestic violence. Their efforts resulted in the City of Euclid adopting an amendment to remove domestic violence from their definition of criminal nuisance activity. Following the example of Euclid and through the continued efforts of student advocacy, the cities of Lyndhurst, Maple Heights, Mayfield Heights, Parma and South Euclid have made similar adjustments to their nuisance law.⁶⁰ In March 2018, the City of Lakewood considered Ordinance No. 22-18, which would repeal Section 510.01(a), Declaration of Nuisance activity and remove the offenses of Domestic Violence, Menacing and Aggravated Menacing from the definition of Nuisance Activity. The proposed amendment was referred to the Public Safety Committee March 19, 2018.⁶¹

The Fair Housing Center reviewed ordinances for every city and village in Northeast Ohio for nuisance ordinances that included domestic violence and identified the following:

Ashtabula County⁶²

- Geneva-on-the-Lake

Cuyahoga County⁶³

- Bedford
- Fairview Park
- Lakewood
- Newburgh Heights
- North Olmsted
- Seven Hills
- Warrensville Heights
- Woodmere

⁶⁰ Special thanks to Calla Bonanno, Vanessa Hemminger, and Marissa Pappas for their efforts and advocacy around the issue of domestic violence as a criminal nuisance activity.

⁶¹ City of Lakewood City Council Meeting Notes, April 2, 2018, Accessed April 11, 2018: <http://www.onelakewood.com/wp-content/uploads/2017/12/DOC4-2-18.pdf>

⁶² Codified Ordinances of the Village of Geneva-on-the-Lake §151 (Ord. 2012-53. Passed 8-6-12).

⁶³ Codified Ordinances of the City of Bedford § 511.12 (Ord. 9187-14 Passed 7-21-14). Codified Ordinances of the City of Fairview Park § 509.18 (Ord. 04-33. Passed 12-20-04). Codified Ordinances of the City of Lakewood § 510.01 (Ord. 23-08. Passed 12-15-2008). Codified Ordinances of the Village of Newburgh Heights §1355.01 (Ord. 2007-27. Passed 9-18-07). Codified Ordinances of the City of North Olmsted §561.01 (Ord. 2008-62. Passed 8-5-08). Codified Ordinances of the City of Seven Hills §565.02 (Ord. 95-2015. Passed 10-13-15)) Codified Ordinances of the City of Warrensville Heights § 550 (Ord. 2016-036. Passed 2-16-16. Codified Ordinances of the Village of Woodmere § 551.07 (Ord. 2014-106. Passed 11-12-14).

Medina County:⁶⁴

- Wadsworth

Lorain County:⁶⁵

- Avon Lake
- Sheffield Lake
- Wellington

d. Eviction and Fair Housing

People belonging to several protected classes are at increased risk of eviction, including people of color, women, families with children, and people with disabilities. Evictions disproportionately affect people of color with particularly negative impacts on women, notably low-income women of color, and families with children.⁶⁶ One in five African American women report having been evicted at some point in their life; 1 in 12 Hispanic women and 1 in 15 white women also report eviction.⁶⁷ The presence of children is a significant predictor of eviction.⁶⁸ Persons with severe and persistent mental illness are often evicted from housing for reasons that are related to their disability, in violation of state and federal laws.⁶⁹

Evictions of people of color are not just isolated incidents with individual landlords, but a symptom of a larger legacy of discrimination through policies that perpetuate racial residential segregation, the wealth gap, and poverty among communities of color.⁷⁰ Evictions are the most common response landlords give

⁶⁴ Codified Ordinances of the City of Wadsworth §93.70 (Ord. 13-039, passed 7-16-13).

⁶⁵ Codified Ordinances of the City of Avon Lake, Ohio § 662.01 (Ord. 54-2015. Passed 4-13-15). Codified Ordinances of the City of Sheffield Lake, Ohio § 1395.25 (Ord. 1-14. Passed 1-14-14). Codified Ordinances of the City of Wellington, Ohio § 501.14 (Ord. 2016-17. Passed 6-20-16).

⁶⁶ George Lipsitz, "In an Avalanche Every Snowflake Pleads Not Guilty: The Collateral Consequences of Mass Incarceration and Impediments to Women's Fair Housing Rights," 59 UCLA L. Rev. 1746 (2012).

Matthew Desmond, "Eviction and the Reproduction of Urban Poverty," 118 American Journal of Sociology, 88, 120 (2012).

⁶⁷ Matthew Desmond, "Unaffordable America: Poverty, housing, and eviction," University of Wisconsin-Madison Institute for Research on Poverty, *Fast Focus*, No. 22-2015 (March 2015).

⁶⁸ Matthew Desmond, "Eviction and the Reproduction of Urban Poverty," 118 American Journal of Sociology, 88, 120 (2012).

⁶⁹ Meghan Carter, "How Evictions from Subsidized Housing Routinely Violate the Rights of Persons with Mental Illness," *Northwestern Journal of Law & Social Policy*, Vol. 5, Issue 1, Article 5, Spring 2010.

⁷⁰ Matthew Desmond, *Evicted: Poverty and Profit in the American City*, The Crown Publishing Group: Penguin

to nuisance citations; the housing instability following eviction places individuals in increasingly vulnerable situations, including homelessness, unsafe housing, inability to acquire new housing given their eviction record, loss of job, or disruption of children’s schooling.⁷¹ A Milwaukee study showed that citations for nuisance violations are issued most frequently in communities of color, and routinely lead to evictions.⁷² Court-filed evictions account for just 24% of forced moves in the study; such evictions represent a fraction of all forced moves, revealing the significant housing instability and vulnerability for low-income renters.⁷³

An individual could face discrimination based on their eviction record by landlords and tenant screening companies when attempting to acquire new housing. Tenant screening services often use court databases to obtain information on a tenant’s eviction record; however, this can be problematic because the report may lack critical details as to the outcome of the case or if the file was dropped. Such screening commonly results in an adverse action by the landlord, such as requiring an increased security deposit or a co-signer or altogether denying the tenant access to their housing.⁷⁴

Case law suggests that evictions are covered under fair housing law.⁷⁵ The Ninth Circuit held that the FHA does pertain to “post-acquisition (of housing) discrimination.”⁷⁶ If a tenant can prove that the landlord’s motivation for evicting was discriminatory, the tenant would be able to bring a claim under the Fair Housing Act; however, proving clear discriminatory intentions outside of legitimate business needs as relates to evictions could prove challenging. A fair housing claim of discrimination in eviction screening by a landlord or by tenant screening companies would require a disparate impact liability analysis; the plaintiff would need to prove that the practice of eviction by a landlord had a disproportionately adverse

Random House, LLC, New York (2016).

⁷¹ Joseph Mead, et al, “Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio,” Cleveland State University office of Research (November 2017).

⁷² Matthew Desmond, *Evicted: Poverty and Profit in the American City*, The Crown Publishing Group: Penguin Random House, LLC, New York (2016).

⁷³ Andrew Flowers, “How We Undercounted Evictions By Asking The Wrong Questions,” *FiveThirtyEight*, September 15, 2016. Accessed March 27, 2018 at: <https://fivethirtyeight.com/features/how-we-undercounted-evictions-by-asking-the-wrong-questions/>

⁷⁴ Merf Ehman, “Fair Housing Disparate Impact Claims Based on the Use of Criminal and Eviction Records in Tenant Screening Policies,” Institutions Project of Columbia Legal Services, updated September 2015.

⁷⁵ Merf Ehman, “Fair Housing Disparate Impact Claims Based on the Use of Criminal and Eviction Records in Tenant Screening Policies,” Institutions Project of Columbia Legal Services, updated September 2015 *citing*: HUD regulation that interprets Section 3604(1), prohibits “employing codes or other devices to segregate or reject applicants.” 24 CFR § 100.70(d)(2).

Inland Mediation Bd. V. City of Pomona, 158 F. Supp. 2d 1120, 1145-46 (C.D. Cal. 2001).

⁷⁶ *Comm.Concerning Cmty. Improvement v. City of Modesto*, 583 F.3d 690, 713 (9th Cir. 2009)

effect on a protected class or a plaintiff would need to prove that a facially neutral policy has a discriminatory effect in the case of the screening company.⁷⁷

Table 2: Total Eviction Cases Filed in Municipal Courts of Cuyahoga County in 2016

Municipal Court	Total Eviction Cases Filed in 2016
Bedford <ul style="list-style-type: none"> Serving: Bedford, Bedford Heights, Bentleyville, Chagrin Falls Township, Chagrin Falls Village, Cleveland Metroparks, Glenwillow, Highland Hills, Moreland Hills, North Randall, Oakwood Village, Orange Village, Solon, Warrensville Heights, Woodmere Village 	2,106
Berea <ul style="list-style-type: none"> Serving: Berea, Brook Park, Cleveland Metroparks, Middleburg Heights, Olmsted Falls, Olmsted Township, Strongsville 	829
Cleveland Heights	868
Cleveland Housing Court <ul style="list-style-type: none"> Serving: Bratenahl, Cleveland 	11,583
East Cleveland	3,978
Euclid	2,143
Garfield Heights <ul style="list-style-type: none"> Serving: Brecksville, Cleveland Metroparks, Cuyahoga Heights, Garfield Heights, Independence, Maple Heights, Newburgh Heights, Valley View, Walton Hills 	1,118
Lakewood	726
Lyndhurst <ul style="list-style-type: none"> Serving: Gates Mills, Highland Hills, Lyndhurst, Mayfield Heights, Mayfield Village, Richmond Heights 	728
Parma <ul style="list-style-type: none"> Serving: Broadview Heights, Brooklyn, Brooklyn Heights, Linndale, North Royalton, Parma, Parma Heights, Seven Hills 	2,242
Rocky River <ul style="list-style-type: none"> Bay Village, Fairview Park, North Olmsted, Rocky River, Westlake 	420
Shaker Heights: <ul style="list-style-type: none"> Beachwood, Bedford Heights, Hunting Valley, Pepper Pike, Shaker Heights, University Heights 	653
South Euclid	302
Cuyahoga County Total	27, 696

Source: Ohio Supreme Court Municipal Court Statistical Report, Forced Detainer and Termination, 2016.

Table 2 shows the number of eviction cases filed in each municipal court in Cuyahoga County. Of the 13 municipal courts, eight serve multiple jurisdictions. Further in-depth investigation of eviction in Cuyahoga County is required for conclusive interpretation of the data.

e. 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.”⁷⁸ Zoning codes that treat

⁷⁷ Merf Ehman, “Fair Housing Disparate Impact Claims Based on the Use of Criminal and Eviction Records in Tenant Screening Policies,” Institutions Project of Columbia Legal Services, updated September 2015.

⁷⁸ 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).

groups of unrelated people with disabilities differently than groups of related people could violate 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.”⁷⁹ Zoning codes that do not provide for such procedures potentially inhibit the rights of people with disabilities.

The Fair 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.

Ashtabula County⁸⁰

- Roaming Shores – 600 feet
- Harpersfield – 600 feet
- New Lyme – 600 feet

Cuyahoga County⁸¹

- Euclid – 500 feet
- Fairview Park – 1,000 feet and limited to multi-family districts
- Garfield Heights – cannot be located within one-half mile of an additional home
- Lakewood – 1,000 feet
- Lyndhurst – 1,000 feet
- Maple Heights – excludes group homes from all single-family and two-family districts
- Olmsted Falls – 1,500 feet in single-family districts and 2,000 feet in multi-family districts
- Olmsted Township – 600 feet

⁷⁹ 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).

⁸⁰ Codified Ordinances of the Village of Roaming Shores § 1157.03 (Ord. 381-02-03. Passed 5-20-03). Codified Ordinances of the Township of Harpersfield § 1000.82. Ordinances of the Township of New Lyme § 1000.82.

⁸¹ Codified Ordinances of the City of Euclid, Ohio § 1368.13 (Ord. 174-2008. Passed 9-2-2008). Codified Ordinances of the City of Fairview Park, Ohio § 1149.14 (Ord. 89-99. Passed 4-2-1990). Codified Ordinances of Garfield Heights, Ohio § 1369.03 (Ord. 82-988. Passed 11-14-88). Codified Ordinances of the City of Lakewood, Ohio § 1121.11 (Ord. 91-95. Passed 10-7-1996). Codified Ordinances of the City of Lyndhurst, Ohio § 1160.03 (Ord. 96-61. Passed 10-19-1998). Codified Ordinances of the City of Maple Heights, Ohio § 1270.02, 1272.02, and 1274.02 (Ord. 2000-128. Passed 12-6-2000). Codified Ordinances 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. Codified Ordinances of the City of Parma Heights § 1189.03 (Ord. 1986-56. Passed 10-27-1986). Codified Ordinances of the City of Rocky River § 1183.11. Codified Ordinances of the City of Shaker Heights § 1222.02. Codified Ordinances of South Euclid § 722.03 (Ord. 05-12. Passed 7-23-12). Codified Ordinances of University Heights § 1274.01(e) (1982 Code, § 1124.01) (Ord. 91-11. Passed 5-6-1990.)

- Parma Heights – 1,320 feet
- Rocky River – 1,000 feet
- Shaker Heights – 500 feet
- South Euclid – 600 feet
- University Heights – 2000 feet

Geauga County⁸²

- Chardon – 1,000 feet
- Bainbridge – 10,560 feet
- Parkman – 1 mile (5,280 feet)

Lake County⁸³

- Painesville – 2,000 feet
- Perry Village – 1,000 feet

Lorain County⁸⁴

- Avon – 1,000 feet
- Avon Lake – 1,320 feet
- Grafton – 600 feet
- Wellington – 600 feet

Medina County⁸⁵

- Brunswick – 2,000 feet
- Brunswick Hills – 600 feet
- Spencer – 1,000 feet

⁸² Codified Ordinances of the City of Chardon, Ohio § 1145.13 (Ord. 2652. Passed 4-14-11). Codified Ordinances of the Township of Bainbridge, Ohio: Bainbridge Township Zoning Resolution § 135.02 (b)(9) (Adopted 6/27/1994). Codified Ordinances of the Township of Parkman § 402.12, Parkman Township Zoning Resolution IV-10, Effective November 15, 2012.

⁸³ Codified Ordinances of the City of Painesville, Ohio § 1143.07 (Ord. 2-98. Passed 1-20-98; Ord. 19-12. Passed 5-21-12; Ord. 10-14. Passed 5-19-14). Codified Ordinances of the Village of Perry, Ohio § 2012-08 (Passed 6-14-12).

⁸⁴ Codified Ordinances of the City of Avon, Ohio § 1280.06 (Ord. 58-01. Passed 5-29-01. Ord 30-05. Passed 3-28-05. Ord 77-05. Passed 6-13-05. Ord. 147-07. Passed 1-14-08. Ord 1-08. Passed 2-11-08. Ord 169-08. Passed 2-11-08. Ord 169-08. Passed 1-12-09. Ord. 26-10. Passed 5-10-10. Ord. 11-13. Passed 2-25-13. Ord 26-15. Passed 4-13-15). Codified Ordinances of the City of Avon Lake, Ohio § 1240.08 (Ord. 52-99. Passed 3-22-1999). Codified Ordinances of the Village of Grafton, Ohio § 1287.08 (Ord. 01-014. Passed 7-17-2001). Codified Ordinances of the Village of Wellington, Ohio § 1173.08.

⁸⁵ Codified Ordinances of the City of Brunswick, Ohio § 1280.14 (Ord. 9-03. Passed 1-27-03). Codified Ordinances of the Township of Brunswick Hills § 804-4, Effective March 26, 2009. Codified Ordinances of the City of Spencer, Ohio § 410.3 (Revised December 1, 2010).

In a joint statement from the DOJ and HUD, both agencies stated that in general, minimum distance requirements for group 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.⁸⁶ 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.⁸⁷ 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.”⁸⁸

Some courts have ruled that separation of people with disabilities to achieve integration is not a legitimate 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.”⁸⁹

⁸⁶ 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).

⁸⁷ 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*.

⁸⁸ *Larkin v. State of Michigan Department of Social Services*, 89 F.3d 285 (6th Cir. 1996).

⁸⁹ *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.

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.⁹⁰ 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.⁹¹ 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.⁹²

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 people with disabilities and that deinstitutionalization of people with disabilities was a legitimate goal of the City and State.⁹³ 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.⁹⁴ 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.⁹⁵

ii. Special Restrictions on Group Home Access

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 people without disabilities.⁹⁶ In Mayfield Heights, group home 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

⁹⁰ 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*.

⁹¹ *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.

⁹² *Children's Alliance v. City of Bellevue*, 950 F. Supp. 1491 (W.D. Washington 1997).

⁹³ *Familystyle of St. Paul Inc. v. City of St. Paul*, 923 F.2d 91 (8th Cir. 1991).

⁹⁴ *Moretha Harding, et al. v. City of Toledo*, 433 F. Supp. 2d 867 (N.D. Ohio 2007).

⁹⁵ *Elderhaven Inc. v. City of Lubbock*, 98 F.3d 175 (5th Cir. 1996). Mandelker, "Housing Quotas for People with Disabilities: Legislating Exclusion," 939-940.

⁹⁶ 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).

basis of race.⁹⁷ 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].”⁹⁸ In the City of Strongsville, group home regulations require that individual residents residing at the home have the same type of functional impairment as represented in the initial application.⁹⁹ This regulation could limit people wishing to live in a group home by requiring that only certain types of disabilities, initially outlined in the application of the group home, would be admitted into the home.

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.¹⁰⁰ In 2017, the Safe Recovery and Community Empowerment Act was introduced into the House of Representatives that would amend the Fair Housing Act. It would amend the FHA to provide that nothing in federal law related to protecting persons with disabilities would prohibit a local, state, or federal government body from requiring a reasonable minimum distance between residential recovery facilities within a residential area zoned for residential housing. A residential recovery facility is a residence that provides housing to individuals recovering from drug or alcohol addiction by offering a clean and sober environment.¹⁰¹ This bill would restrict the siting of group homes and residential recovery facilities from serving those persons in need of support and recovery from drug or alcohol addiction.

The Fair Housing Center reviewed municipal ordinances in Northeast Ohio and the following

⁹⁷ *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).

⁹⁸ Codified Ordinances of the City of Mayfield Heights, Ohio § 721.03 (Ord. 1986-31. Passed 1-12-1987).

⁹⁹ Codified Ordinances of the City of Strongsville, Ohio § 1252.37 (Ord. 2010-096. Passed 6-6-11.).

¹⁰⁰ 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).

¹⁰¹ Safe Recovery and Community Empowerment Act, H.R. 472, 115th Congress (January 2017).

municipalities bar individuals from group homes who may be protected by the Fair Housing Act:¹⁰²
Cuyahoga County¹⁰³

- 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
- Newburgh Heights – persons who use or are addicted to illegal substances/drugs or abuse alcohol
- Parma Heights – persons being treated for drug abuse or primarily for alcohol abuse
- Shaker Heights – persons who are currently addicted to alcohol or narcotic drugs

Lake County

- Painesville – persons being treated for drug or alcohol abuse
- Concord Township – emotionally disturbed, alcohol or chemically dependent individuals

Lorain County

- Avon Lake – persons addicted to a controlled substance

iv. Restrictions Based on Involvement with the Criminal Justice System

Several municipalities in Northeast Ohio restrict access to group homes for people with disabilities who 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 physical damage to property. Many individuals who have been convicted of felony offenses, have served prison

¹⁰² Codified Ordinances of the City of Avon Lake, Ohio § 1212.03(49) (Ord. 52-99. Passed 3-22-99; Ord. 129-2011. Passed 12-12-11; Ord. 151-2012. Passed 11-2-12; Ord. 105-2014. Passed 8-25-14; Ord. 106-2015. Passed 8-24-15; Ord. 125-2015. Passed 10-13-15.). Codified Ordinances of the City of Bay Village, Ohio § 1142.04 (Ord. 90-12. Passed 3-19-1990). Codified Ordinances of the Township of Concord, Ohio § 13.6(I) (12/15/2001). 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). Codified Ordinances of the City of Painesville, Ohio § 1125.04 (Ord. 18-06. Passed 5-15-06; Ord. 17-12. Passed 5-21-12; Ord. 21-13. Passed 12-16-13; Ord. 8-14. Passed 5-19-14; Ord. 5-15. Passed 4-20-15). Codified Ordinances of Newburgh Heights, Ohio § 1129.10 (Ord. 20041-28. Passed 8-21-01). Codified Ordinances of the City of Parma Heights, Ohio § 1189.03 (Ord. 1986-56. Passed 10-27-86). Codified Ordinances of the City of Shaker Heights, Ohio § 1211.02 (Ord. 13-45. Enacted 7-8-13; Ord. 13-114. Enacted 12-16-13.).

¹⁰³In a previous version of this report the Fair Housing Center incorrectly included the City of Bedford as a municipality that bars individuals group homes based on a characteristic that may be protected under the basis of disability by the Fair Housing Act. The Fair Housing Center misinterpreted §1915.24 of the Codified Ordinance of the City of Bedford distinguishing different types of treatment facilities from group homes as excluding people being treated for communicable diseases, alcoholism, or in drug treatment from living in group homes.

sentences, or who 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.”¹⁰⁴ 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.¹⁰⁵ In April 2016, HUD released guidance concerning the application of Fair Housing Act standards to the use of criminal records by housing providers. Due to the pervasive racial and ethnic disparities present in the U.S. criminal justice system, restrictions to access to housing based upon criminal history may disproportionately affect African Americans and Hispanics/Latinos. Arbitrary, blanket criminal history-related bans can have a disparate impact if a policy denies housing to anyone with a prior arrest or any kind of criminal conviction. Such selective use of criminal history can be a proxy for illegal discrimination based on protected classes such as race or national origin and therefore violate the Fair Housing Act.¹⁰⁶

The Fair 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:¹⁰⁷

Cuyahoga County

- 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

¹⁰⁴ Department of Justice Office of Justice Program, “Bureau of Justice Statistics Factsheet: Profile of Nonviolent Offenders Exiting State Prisons,” (October, 2004).

¹⁰⁵ Jocelyn Fontaine and Jennifer Biess, “Housing as a Platform for Formerly Incarcerated Persons,” Washington, D.C.: Urban Institute, April 2012.

¹⁰⁶ U.S. Department of Housing and Urban Development, “Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions,” released April 2016.

¹⁰⁷ 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), Codified Ordinances of Newburgh Heights, Ohio § 1129.10 (Ord. 20041-28. Passed 8-21-01), Codified Ordinances of Painesville, Ohio § 1125.04 (Ord. 18-06. Passed 5-15-06; Ord. 17-12. Passed 5-21-12; Ord. 21-13. Passed 12-16-13; Ord. 8-14. Passed 5-19-14; Ord. 5-15. Passed 4-20-15). Codified Ordinances of the City of Parma, Ohio § 1717.02 (Ord. 178-96. Passed 6-3-96.). Codified Ordinances of the City of Parma Heights, Ohio § 1189.03 (Ord. 1986-56. Passed 10-27-86).

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 from 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
- Newburgh Heights – non-developmentally disabled person with a felony criminal record; persons found incompetent to stand trial or not guilty by reasons of insanity of a felonious offense; persons who constitute a reasonably foreseeable danger to the community or themselves
- Parma – Any person...whose tenancy would result in substantial physical damage to the property of others, including, but not limited to, those persons convicted of a property crime
- Parma Heights – persons discharged within the last ten years from a penal or correctional facility, or from the custody of the Ohio Department of youth Services

Lake County

- Painesville – criminal offenders serving on work release or probationary programs

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.¹⁰⁸

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.¹⁰⁹

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.¹¹⁰

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.

B. Number of Complaints Filed in Region

The Fair Housing Center has collected and analyzed data on all fair housing complaints filed with HUD in

¹⁰⁸ According to the agreement between HUD and the OCRC, with several exceptions, fair housing complaints from Ohio that are filed with HUD are referred to the OCRC for investigation and resolution. In 2005, HUD investigated less than one percent of cases. (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.

¹⁰⁹ 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.

¹¹⁰ 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).

the six-county region from 1993 to 2017.¹¹¹ The data revealed that over the 25-year period:

- On average, 141.9 complaints were filed each year in the region;
- Cases filed alleging race discrimination accounted for 30.2% of the total cases, compared to 29.1% for handicap/disability, and 20.3% for familial status;
- Complaints based on national origin accounted for 6.0% of the total, sex cases made up 6.5%, religion cases made up 1.9%, and color made up 0.96%;
- More than three-quarters of the complaints (83%) were filed in Cuyahoga County.¹¹²

Table 3: Fair Housing Complaints Filed with HUD in the Region from 1993 to 2017

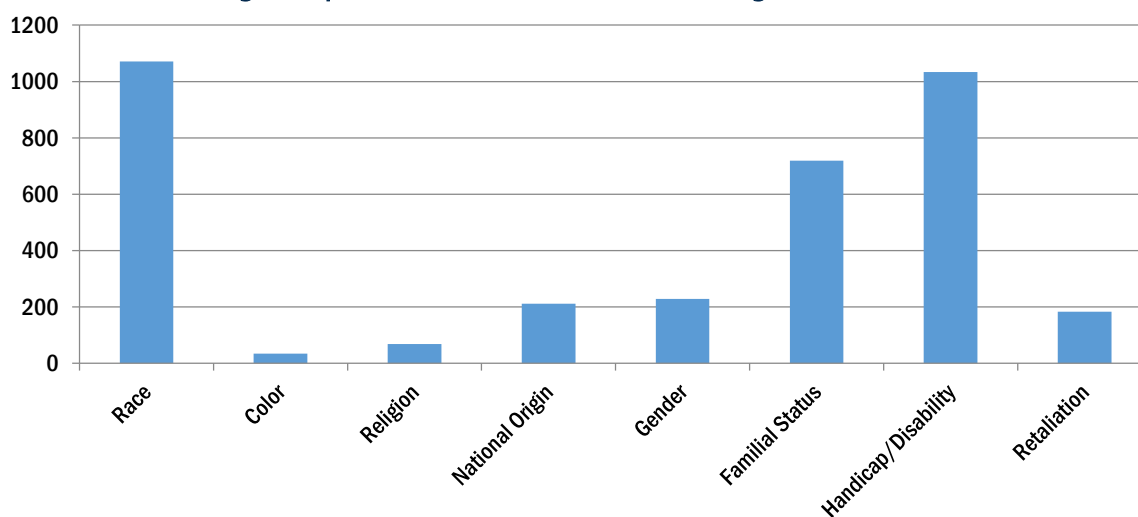
	Race	Color	Religion	National Origin	Gender	Familial Status	Handicap/ Disability	Retaliation	Total
1993	88	0	2	11	11	30	31	1	174
1994	62	1	0	6	7	31	25	1	133
1995	47	1	2	2	7	22	18	1	100
1996	53	1	1	7	6	19	12	0	99
1997	28	0	1	12	1	7	19	2	70
1998	32	0	1	0	2	9	14	4	62
1999	35	1	4	2	6	14	22	6	90
2000	29	6	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	59	4	3	4	33	75	119	21	318
2015	46	1	6	3	14	37	66	18	191
2016	28	1	1	6	18	25	52	12	143
2017	24	1	1	9	9	15	45	11	115
Total	1071	34	68	211	229	719	1033	183	3548

Source: The Fair Housing Center analysis of HUD Data

¹¹¹ For the purposes of this report we considered each basis raised as a complaint. For details of The Fair Housing Center’s methodology, see Appendix C.

¹¹² County-level data is presented in Appendix B.

Figure 1: Fair Housing Complaints Filed with HUD in the Region from 1992 to 2017



Source: The Fair Housing Center analysis of HUD Data

To compare rates of complaints across counties, The Fair Housing Center undertook an analysis of the number of complaints filed in the region per 100,000 residents for the period of 1993 to 2017.¹¹³ During the 25-year period of 1993 to 2017, 6.51 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 8.32 per 100,000 people. Lake County had the second highest incidence of fair housing complaints with 5.32 complaints per 100,000 people. Ashtabula, Lorain, and Medina Counties had incidences of complaints at 4.25, 3.57, and 3.34 per 100,000 people respectively, while Geauga County had the lowest incidence of fair housing complaints at 2.48 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.

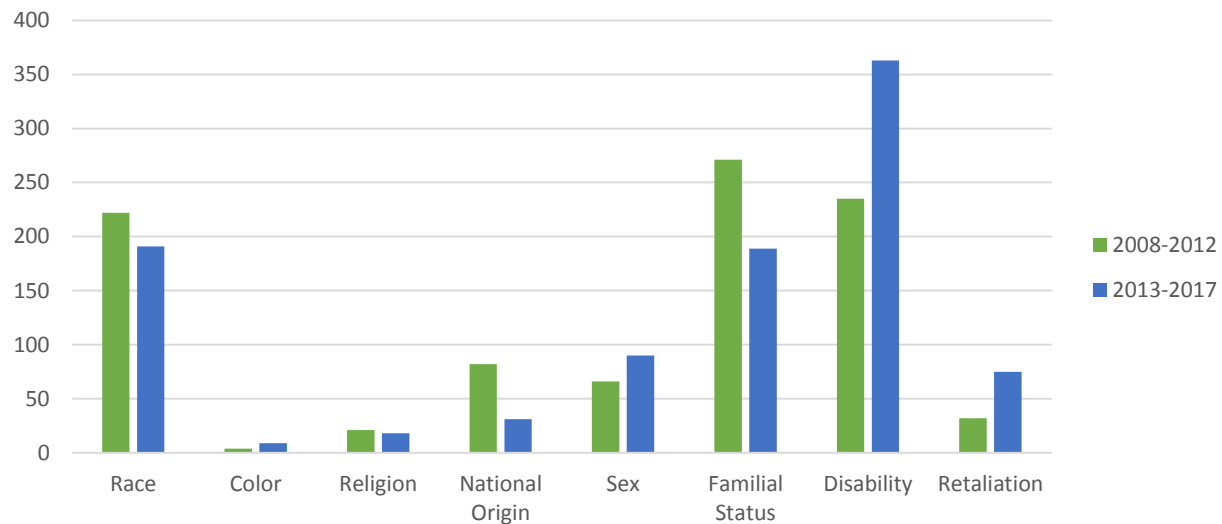
Because of the possibility that any particular year could have an unusually large or small number of complaints filed in a given category or the number of complaints per category could change over time, The Fair Housing Center examined the number of complaints filed in two five-year periods (2008-2012 and 2013-2017) 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 (2013-2017), there were 966 complaints filed with HUD, for an average of 193.2 complaints annually, up from 933 complaints (186.6 annually) filed in the previous five-year period (2008-2012);
- The most common bases of discrimination alleged in complaints filed in 2013-2017 were disability (37.6%), familial status (19.6%), and race (19.8%);

¹¹³ County-level complaint data is presented in Appendix B.

- The number of cases brought by race decreased by 14%, from 222 filed in 2008-2012 to 191 in 2013-2017. Proportionately, complaints based on race made up 19.8% of the cases from 2013-2017, down from 22.8% in 2008-2012;
- In the last five years, the number of complaints based on disability increased 54.5% from 235 in 2008-2012 to 363 in 2013 to 2017;
- The number of complaints based on familial status decreased 30.26% from 271 complaints in the period 2008-2012 to 189 complaints in the 2013-2017 period;
- From 2008-2012 to 2013-2017, complaints based on color increased 125% (from 4 complaints to 9), complaints based on religion decreased by 14.29% (from 21 complaints to 18), cases based on national origin decreased by 62.20% (from 82 complaints to 31), and complaints based on gender increased by 36.26% (from 66 complaints to 90).

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



Source: The Fair Housing Center analysis of HUD Data

C. Sexual Orientation and Gender Identity Housing Discrimination in Cuyahoga County

Within Cuyahoga County, housing discrimination against the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) community is a pervasive problem. Such discriminatory practices adversely impact quality of life, safety, and educational and economic opportunities. In 2016, The Fair Housing Center conducted a study that showed housing discrimination on the basis of sexual orientation in 35.2% of rental transactions using both email tests (discrimination in 12.5% of tests) and in-person tests (discrimination in 55.5% of tests). The Fair Housing Center uncovered housing discrimination on the basis of gender identity in 32.1% of the time in email tests only. The Fair Housing Center was unable to complete on-site tests on the basis of gender identity, but based on the increased rate of discrimination between email and in-person on the basis of sexual orientation, it is likely that people who identify as transgender experience housing discrimination at a much higher rate. Although the federal Fair Housing Act and Ohio fair housing law do not explicitly protect LGBTQ people from housing discrimination, the U.S. Department of Housing and Urban Development (HUD) has expanded fair housing policy to recognize housing discrimination on the basis of non-conformity with gender stereotypes as sex discrimination. Within Cuyahoga County, 15 municipalities have enacted fair housing ordinances banning housing discrimination on the basis of sexual

orientation and 11 have done so on the basis of gender identity.¹¹⁴

Findings of the report include:

- People of color experienced two thirds (66.7%) of the identified differential treatment on the basis of sexual orientation. Women of color experienced twice the rate of differential treatment than did men of color in sexual orientation tests.
- 26.9% of sexual orientation tests conducted within jurisdictions that have enacted protections for LGBTQ housing discrimination revealed differential treatment of the LGBTQ tester. Nearly 40% of all tests showing differential treatment on the basis of sexual orientation occurred in jurisdictions that legally are bound to protect LGBTQ individuals.
- Transgender women of color experienced a higher rate (33.3%) of differential treatment than did white counterparts (30.7%).
- 77.7% of gender identity tests conducted within jurisdictions that have enacted protections for LGBTQ housing discrimination revealed differential treatment of the LGBTQ tester.

To ensure fair housing for the LGBTQ population of Cuyahoga County, it is imperative to strengthen fair housing laws to protect individuals on the bases of sexual orientation and gender identity on the local, state, and federal levels. In the report, 51.8% of differential treatment on the bases of sexual orientation and gender identity occurred in municipalities where such discrimination is banned, suggesting that the local awareness and enforcement of these laws is weak. Robust enforcement of fair housing laws is essential to ensuring fair housing for the LGBTQ community. It is critical that local jurisdictions develop adequate enforcement measures and local capacity to address identified violations. Educational trainings on fair housing law and municipal fair housing ordinances for both landlords and the LGBTQ community are a further step towards fair treatment of the LGBTQ community in the housing market. The City of South Euclid City Council enacted a comprehensive nondiscrimination ordinance to ensure nondiscrimination for the LGBTQ community in housing, employment, and public accommodations in early April 2018.

¹¹⁴ Lenore Healy, Kris Keniray, and Michael Lepley, "Sexual Orientation and Gender Identity Housing Discrimination in Cuyahoga County," January 2016. Available at <http://www.thehousingcenter.org/wp-content/uploads/2016/02/LGBTQ-Housing-Discrimination-Report-Revised.pdf>

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 also 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.¹¹⁵

B. Population of the Region

From 1970 to 2010, the population of the area covered by this report has decreased by 9.9%, from 2,419,274 to 2,178,737, at a time when the population of the country as a whole increased 51.8%.¹¹⁶ Changes in county-level populations have varied. Cuyahoga County experienced a loss of 25.6% 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 3.3% in Ashtabula County to 108.3% in Medina County.¹¹⁷

¹¹⁵ 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.

¹¹⁶ See U.S. Census Bureau, "Table 1. Population: 1790-1990," *1990 Census of Population and Housing*; U.S. Census: 2010.

¹¹⁷ For data sources for all tables and charts, see Appendix E.

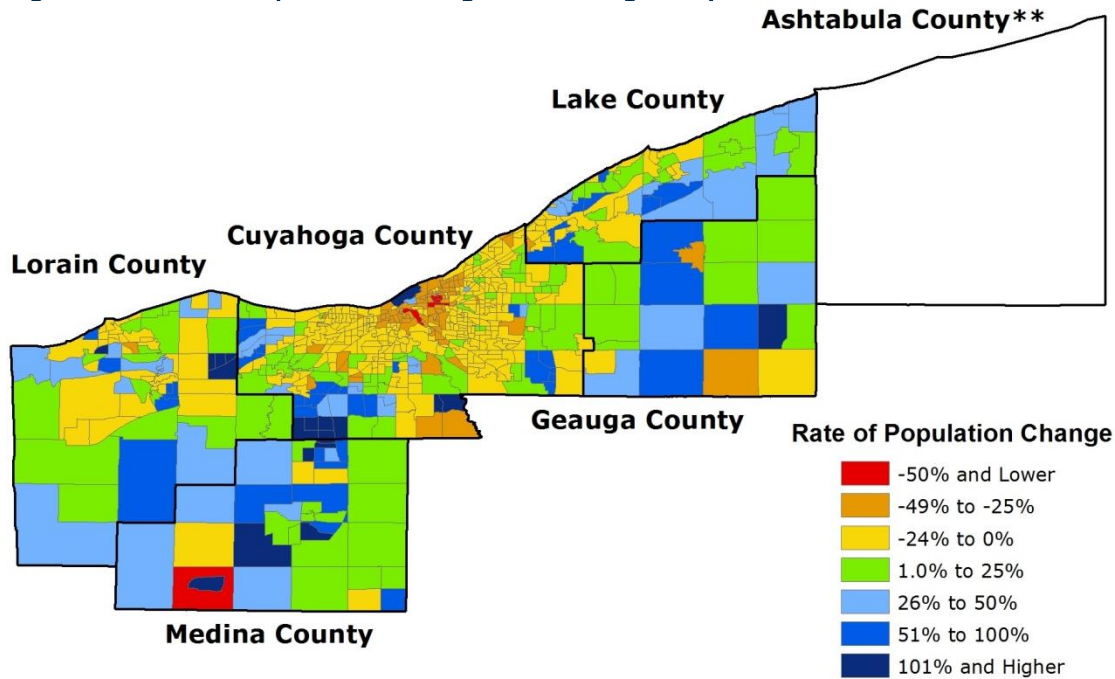
Table 4: Population of Region by County

	1970	1980	1990	2000	2010	% Change 1970-2010
Ashtabula	98,237	104,215	99,821	102,728	101,497	+3.3%
Cuyahoga	1,721,300	1,498,400	1,412,140	1,393,978	1,280,122	-25.6%
Geauga	62,977	74,474	81,129	90,895	93,389	+48.2%
Lake	197,200	212,801	215,499	227,511	230,041	+16.6%
Lorain	256,843	274,909	271,126	284,664	301,356	+17.3%
Medina	82,717	113,150	122,354	151,095	172,332	+108.3%
Total	2,419,274	2,277,949	2,202,069	2,250,871	2,178,737	-9.9%

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.

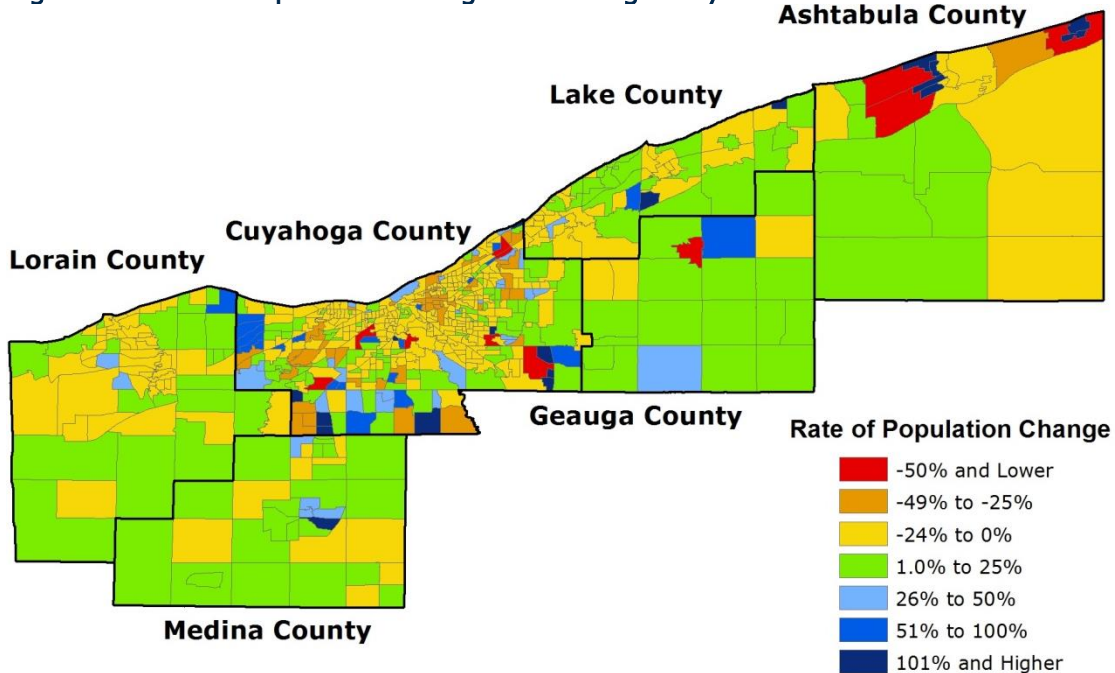
Figure 3: Rate of Population Change in the Region by Census Tract* from 1970 to 1980



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

**Ashtabula County not Tracted in 1970
Source: US2010 Project, U.S. Census

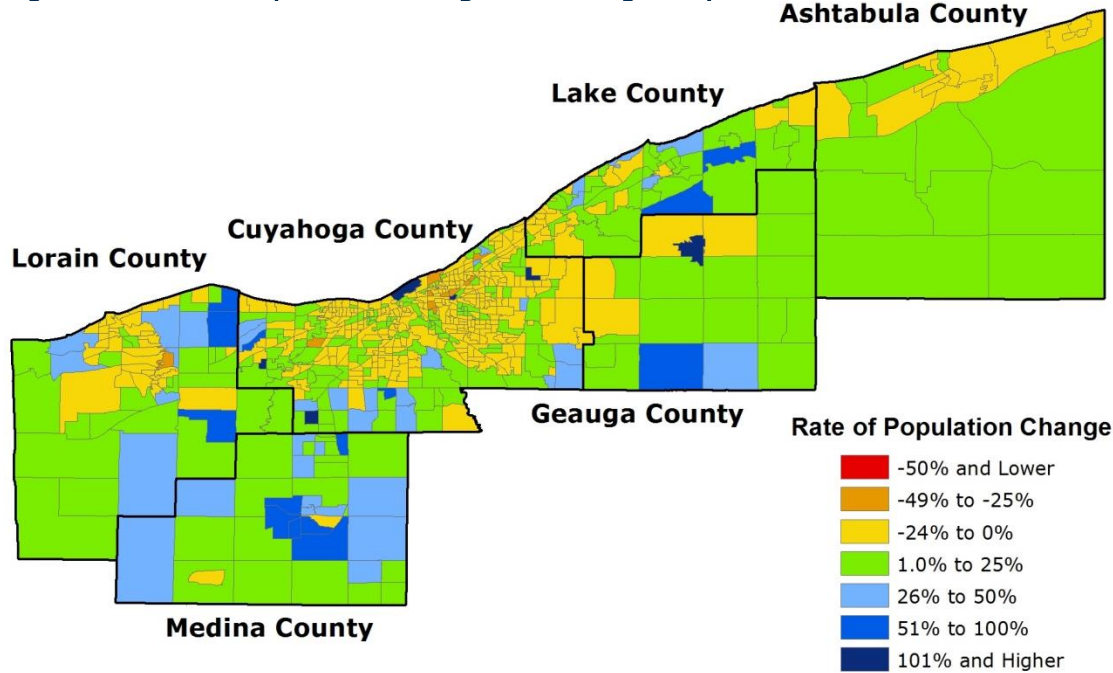
Figure 4: Rate of Population Change in the Region by Census Tract* from 1980 to 1990



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

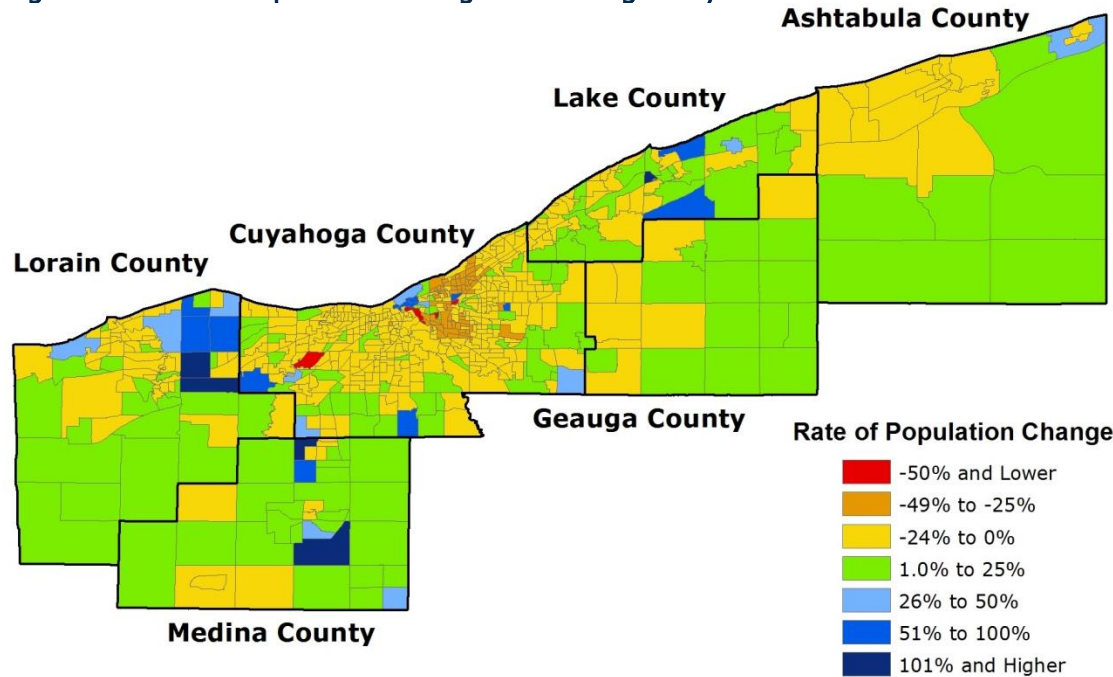
Source: US2010 Project, U.S. Census

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

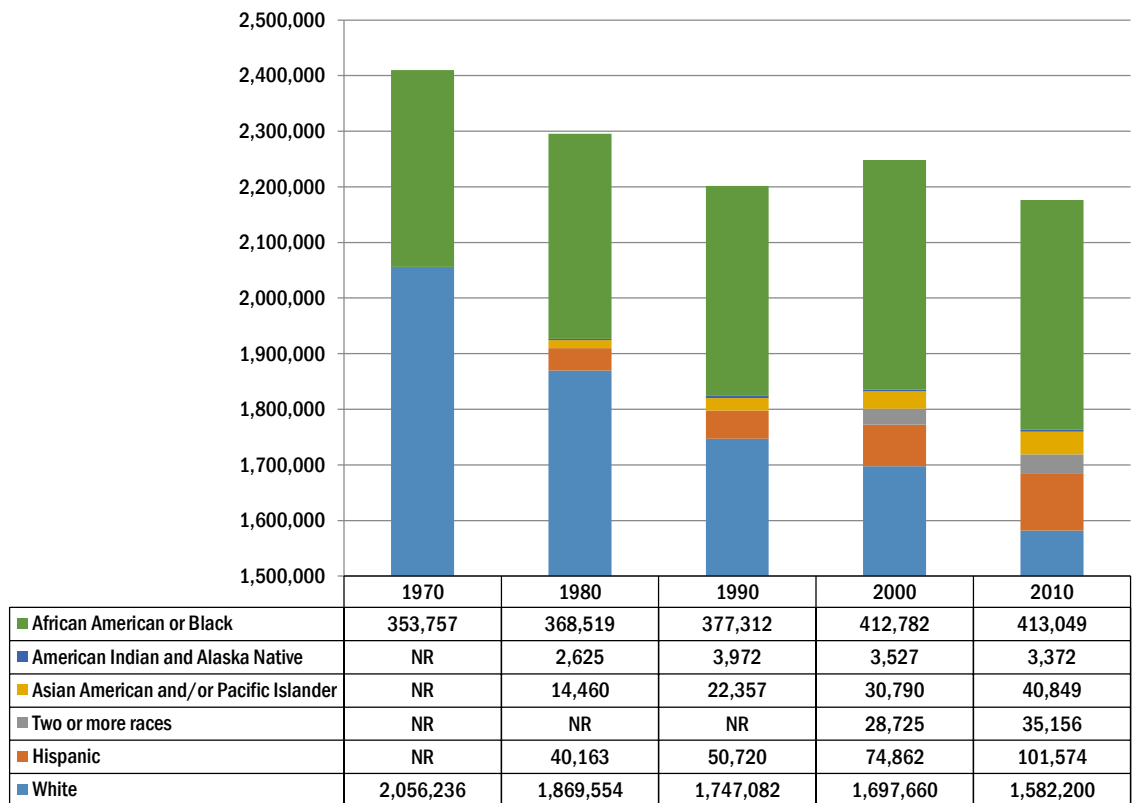
Figure 6: Rate of Population Change in the Region by Census Tract* from 2000 to 2010



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

Race: Over the past 25 years, 31.3% 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 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 5: 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.¹¹⁸ 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 6: Households with Individuals under 18

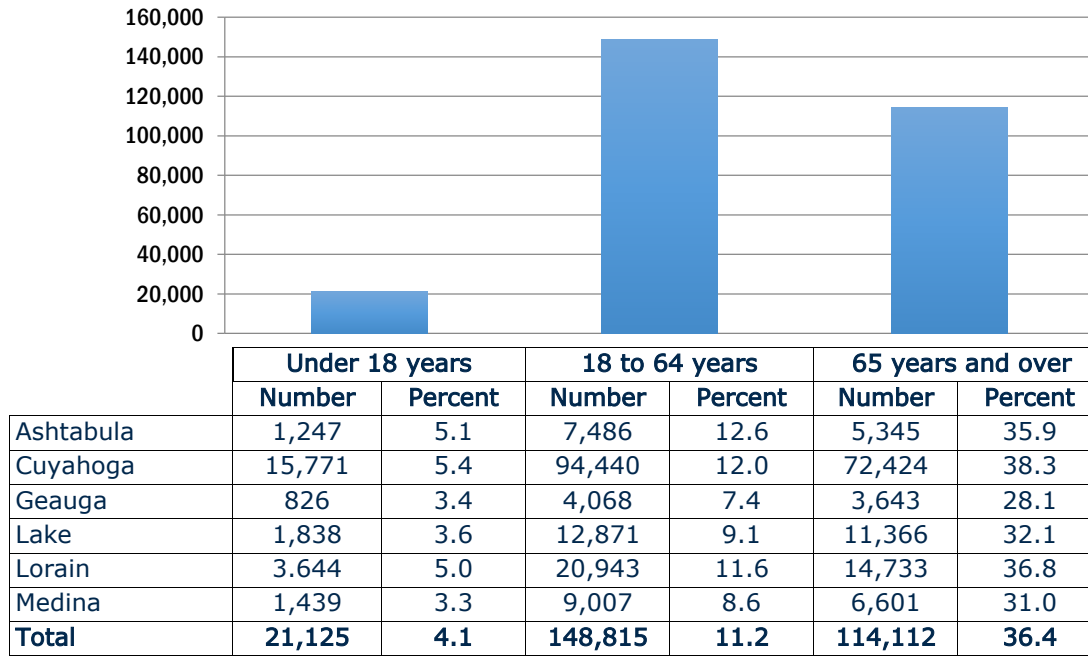
	2000		2010		% Change 2000-2010
	Number	Percent	Number	Percent	
Ashtabula	14,014	35.6	12,316	31.3	-12.1
Cuyahoga	180,906	31.7	154,582	28.4	-14.5
Geauga	12,339	39.0	11,515	33.6	-6.6
Lake	29,800	33.2	27,686	29.4	-7.0
Lorain	39,218	37.1	37,908	32.6	-3.3
Medina	21,771	39.9	22,966	35.3	+5.4
Total	298,048	33.4	266,973	29.9	-10.4

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 had a disability, 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.

¹¹⁸ The Fair Housing Amendment Act of 1988 became effective March 12, 1989. Pub. L. No. 100-430.

Figure 8: Population with a Disability in Region in 2010

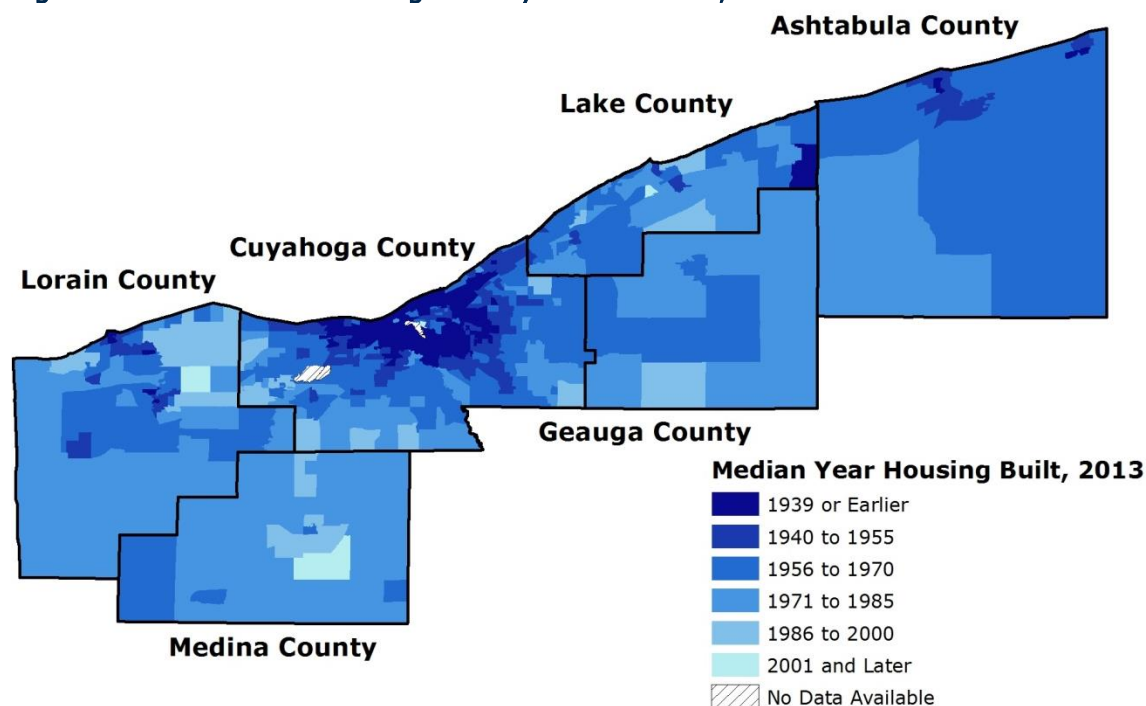


Source: U.S. Census.

In addition to prohibiting discrimination based on disability, the 1988 amendments to the Fair Housing Act also require that certain new multi-family 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, 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 newer single-family homes.¹¹⁹

¹¹⁹ For complete data see Table 15: Housing Built in Region by Decade, 2013 in Appendix E, page 72.

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

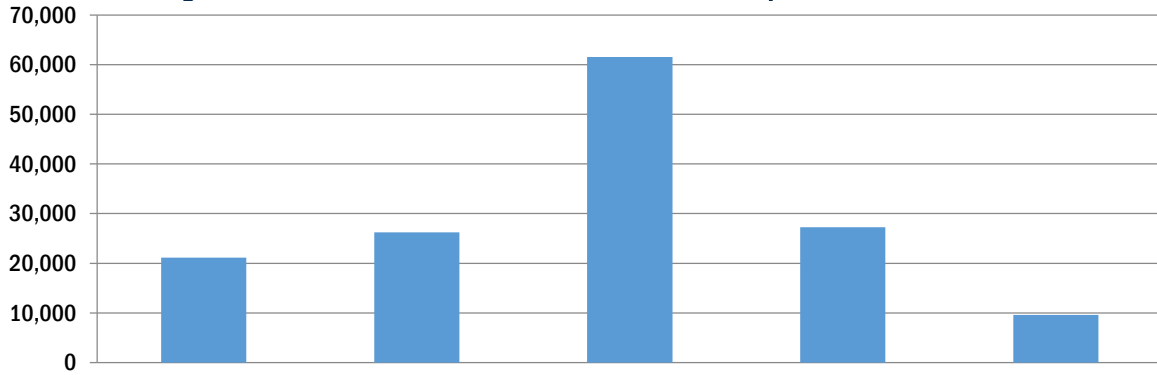


Source: U.S. Census

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 multi-family 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



	1939 or Earlier		1940 to 1959		1960 to 1979		1980 to 1999		2000 or Later	
Ashtabula	291	10.3%	204	7.2%	1,125	39.9%	853	30.2%	349	12.4%
Cuyahoga	19,191	17.2%	22,435	20.1%	46,292	41.6%	17,948	16.1%	5,524	5.0%
Geauga	93	6.4%	85	5.8%	750	51.3%	402	27.5%	131	9.0%
Lake	411	3.4%	1,802	14.8%	5,610	46.0%	3,473	28.5%	889	7.3%
Lorain	787	6.5%	1,540	12.8%	5,975	49.5%	2,215	18.4%	1,545	12.8%
Medina	343	5.8%	177	3.0%	1,821	31.0%	2,351	40.0%	1,187	20.2%
Total	21,166	14.5%	26,243	18.0%	61,573	42.2%	27,242	18.7%	9,625	6.6%

Source: U.S. Census

V. RACIAL AND ETHNIC SEGREGATION IN NORTHEAST OHIO

A. Racial Dissimilarity Indices

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.¹²⁰

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 represents 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 2010.¹²¹

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.¹²² 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 of 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

¹²⁰ 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.

¹²¹ 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).

¹²² 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).

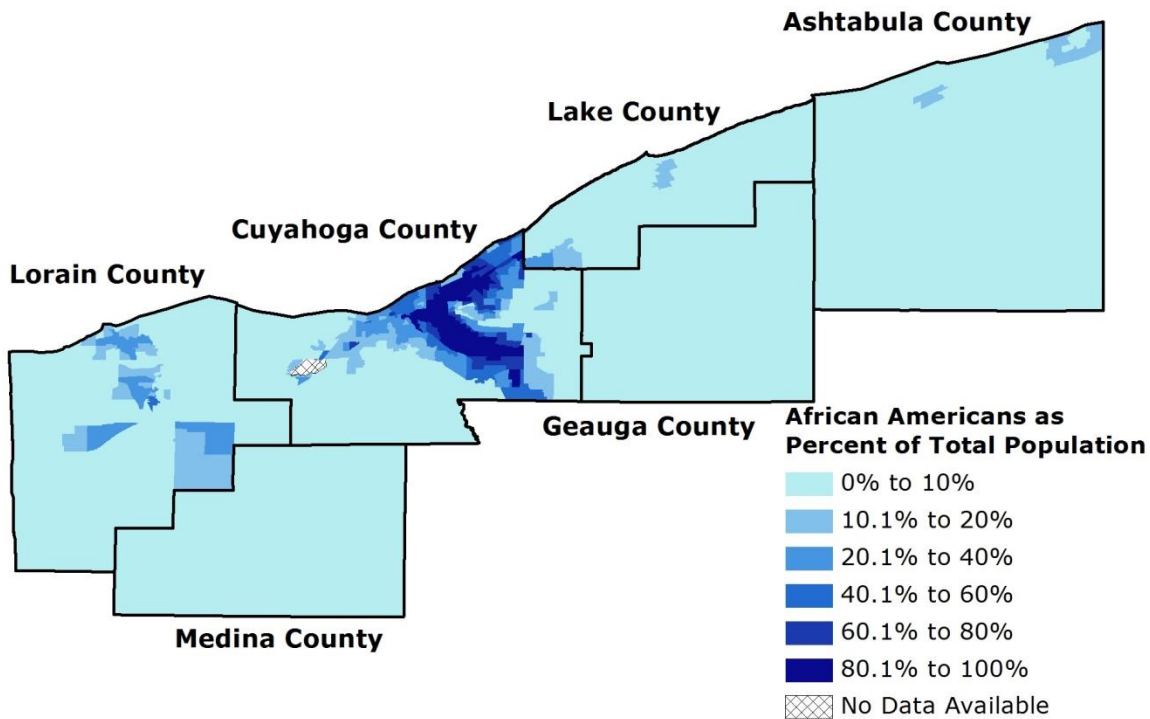
the largest population growth.¹²³ In fact, of the 10 most segregated large metropolitan areas in 2010, all but one (Los Angeles) are in the Northeast or Midwest.

Table 7: 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

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.¹²⁴ According to this report, the Cleveland area suffers from a “tax” of 24%,

¹²³ Robert L. Smith and David Davis, “Migration Patterns Hold Back Cleveland,” *Plain Dealer*, December 30, 2002.

¹²⁴ Rusk, David, “The ‘Segregation Tax’: The Cost of Racial Segregation to Black Homeowners,” Washington, D.C.:

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/Latinos (4.7% of the total 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 Hispanics/Latinos would have to change residence to achieve equal distribution (Table 8 and Figure 12).¹²⁵ The MSA’s 2010 Isolation Index score for Hispanic-Hispanic is 17.3; meaning the average Hispanic/Latino lives in a Census tract that is 17.3% Hispanic/Latino. The MSA’s 2010 Index of Exposure to Other Groups score for Hispanic/Latino-White was 61.5 while the White-Hispanic/Latino score is 4.0; meaning the average Hispanic/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% Hispanic/Latino.¹²⁶ 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 Hispanic/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 and the eleventh most segregated in 2000 to the twentieth most segregated in 2010.

Brookings Institution, October 2001.

¹²⁵ 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).

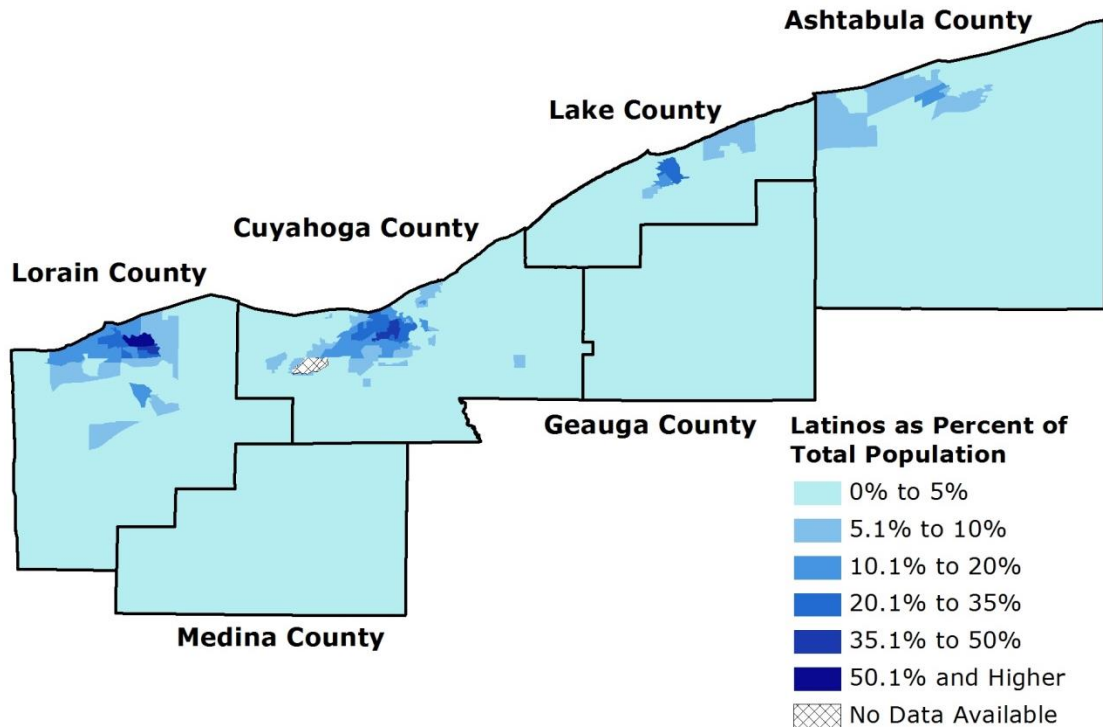
¹²⁶ US2010 Project, “Residential Segregation: Cleveland-Elyria-Mentor OH Metropolitan Statistical Area,” <http://www.s4.brown.edu/us2010/segregation2010/msa.aspx?metroid=17460> (accessed August 21, 2014).

Table 8: 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

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

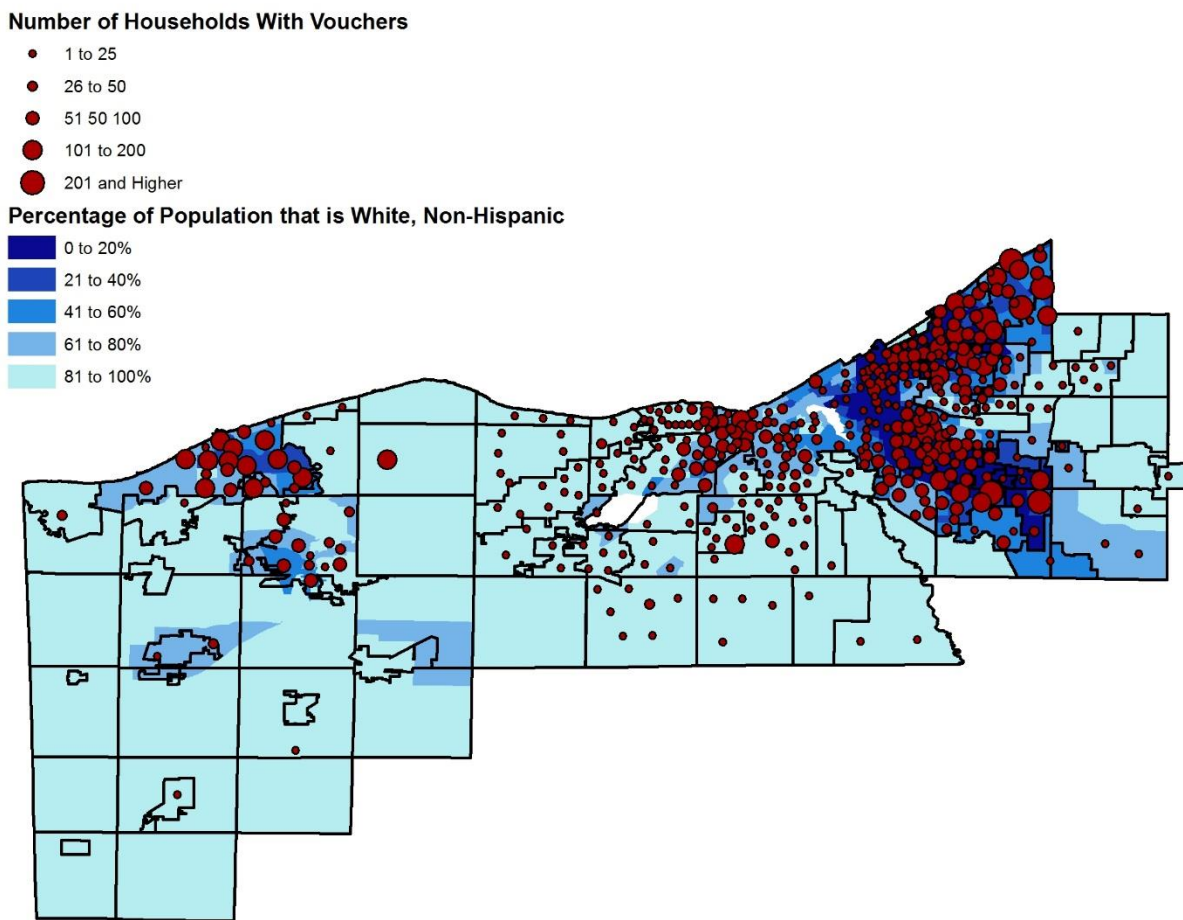


Source: U.S. Census

B. Housing Voucher Mobility in Cuyahoga and Lorain Counties

The Fair Housing Center examined factors affecting the housing choice of people using housing vouchers in Cuyahoga County and Lorain County to assess the mobility of a housing voucher.¹²⁷ The Housing Choice Voucher Program was created to expand access to housing for low-income households by providing a rental subsidy that allows them to find housing in the private rental market. However, across the United States, voucher program participants are clustered in low-opportunity areas; Cuyahoga County and Lorain County are no exceptions to this pattern (see Figure 13). This research focused on Cuyahoga and Lorain Counties, but it is likely that housing voucher mobility is an issue across Northeast Ohio.

Figure 13: Households with Vouchers and Minority Concentrations in Cuyahoga and Lorain Counties by Census Tract, 2014



(Source: HUD, A Picture of Subsidized Households, 2013; 2013 American Community Survey 5-Year Estimates)

In the largest voucher program in Cuyahoga County, 89.6% of households using housing vouchers are

¹²⁷ Lenore Healy and Michael Lepley, "Housing Voucher Mobility in Cuyahoga County," February 2016. Available at: <http://www.thehousingcenter.org/wp-content/uploads/2016/02/Cuyahoga-County-Voucher-Mobility-Report.pdf>

Lenore Healy and Michael Lepley, "Housing Voucher Mobility in Lorain County," January 2017. Available at: <http://www.thehousingcenter.org/wp-content/uploads/2017/02/Lorain-Mobility-Report.pdf>

African American and are clustered in areas with high concentrations of poverty, high crime, low educational opportunities, and high exposure to environmental health hazards. When surveyed, the majority of voucher program participants responded that they desire housing in neighborhoods with low crime rates, high quality schools, and low poverty. The most significant challenges to finding affordable housing cited by participants include: landlords who do not accept the voucher (79.3%), finding housing in their price range (58.3%), security deposit (53%), and moving costs (44.4%).

In Lorain County, people using housing vouchers are likewise clustered in areas with high poverty, low educational opportunities, and high exposure to environmental hazards. Nearly 64% of people using vouchers are African American, Hispanic/Latino, or both. When surveyed, the majority of voucher participants stated their desire for housing in neighborhoods with low crime, high quality schools, and affordable housing costs. In Lorain County, the most significant challenges to finding affordable housing cited by participants include: finding housing in their price range (56.9%), landlords who do not accept the voucher (49.0%), security deposit (39.2%), and moving costs (27.5%). In Cuyahoga and Lorain Counties, voucher participants are excluded from areas of opportunity.

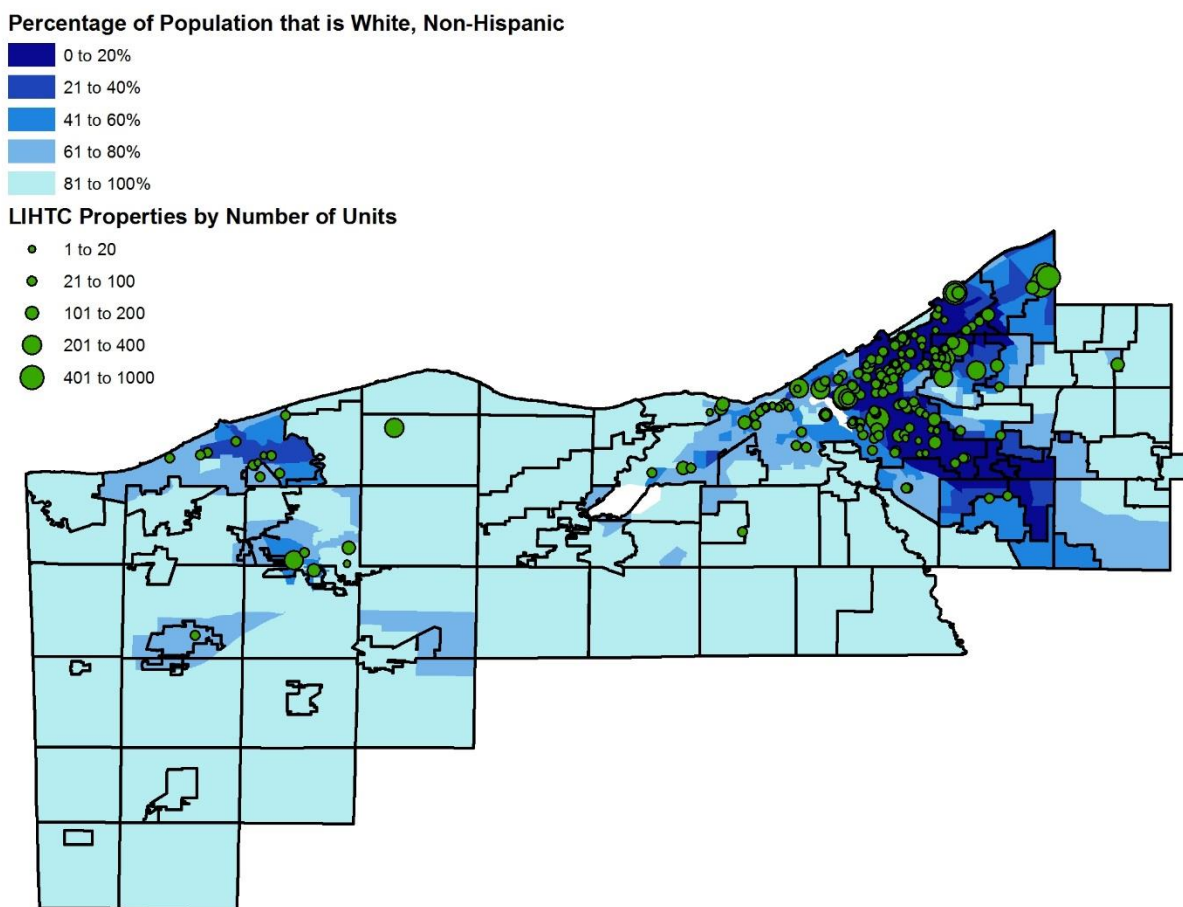
Factors that contribute to the exclusion of voucher program participants from opportunity areas include the Fair Market Rent and the development of low-income housing tax credit (LIHTC) properties in low-opportunity areas. Fair Market Rent determines the buying power of a voucher and is applied across the region. Housing markets vary widely across Cuyahoga and Lorain Counties and FMR rates are insufficient for voucher holders to afford rental housing in many high-opportunity areas. Households using vouchers are priced out of much of the rental housing in Cuyahoga County; in Lorain County, voucher holders are priced out of the high-growth, high-opportunity areas on the eastern side of the county. Voucher households, which are classified as very-low-income or extremely-low-income, face additional financial burdens in affording the higher security deposits required in higher cost neighborhoods.

The LIHTC program offers an opportunity to expand housing mobility for voucher holders and support residential integration by financing low-income housing in areas of high opportunity. In the State of Ohio, approximately 15% (14,201 units) of all LIHTC units were occupied by a household using a housing voucher in 2011.¹²⁸ Housing providers receiving LIHTCs are required to accept vouchers at their properties. LIHTC allocations throughout the state of Ohio, especially in the Cleveland-Elyria Metropolitan Statistical Area, have been issued to properties located predominately in high-poverty, minority neighborhoods.¹²⁹ Within both Cuyahoga and Lorain Counties, LIHTC developments are not expanding housing choice as the majority of LIHTC properties are in areas with concentrations of racialized poverty (see Figure 14).

¹²⁸ Brett Barkley, Amy Higgins, and Francesca G.-C. Richter, "Do Low-Income Rental Housing Programs Complement Each Other? Evidence from Ohio," Federal Reserve Bank of Cleveland, working paper no. 14-29R (2016), 24.

¹²⁹ Jill Khadduri and Carissa Climaco, "LIHTC Awards in Ohio, 2006-2015: Where Are They Providing Housing for Families with Children," Abt Associates (July 2016).

Figure 14: LIHTC Properties and Racial and/or Ethnic Composition by Census Tract, 2014



(Source: 2013 American Community Survey 5-Year Estimates, HUD eGIS)

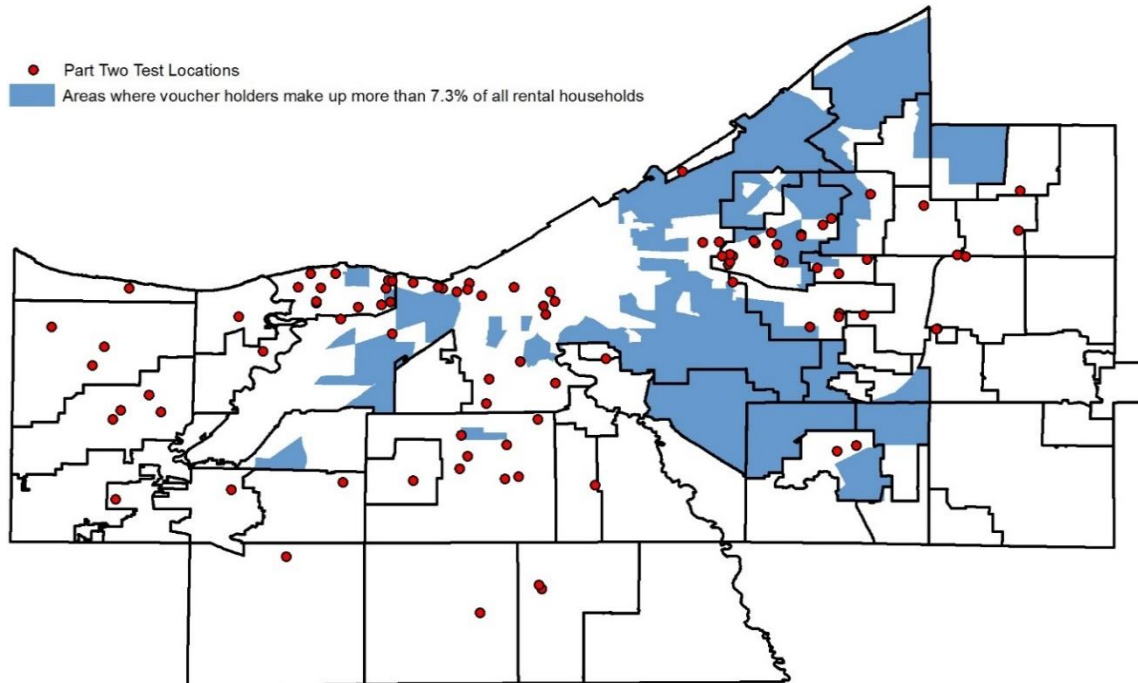
Housing providers are essential to the success of the voucher program and the mobility of participants, but voucher program participants report that landlords who refuse to accept vouchers are one of their greatest barriers to finding housing. In Cuyahoga County, more than half of landlords surveyed that participate in the voucher program report that they are dissatisfied with the program. Many commented that housing inspections required to rent to a voucher holder and interactions with the housing authority are burdensome. The majority of surveyed landlords that do not participate in the voucher program report that they have not considered accepting vouchers. Time constraints placed on voucher holders to secure a unit inhibit them from moving to areas where landlords have less experience with the program. Both landlords that do and do not accept vouchers have negative perceptions of the program and of the program participants.

Housing mobility for participants of the housing choice voucher program in Cuyahoga and Lorain Counties is low. However, the Housing Choice Voucher Program and other affordable housing programs are tools that can be used to promote diverse communities and eliminate segregation in Cuyahoga and Lorain Counties as well as throughout Northeast Ohio.

C. Housing Voucher Discrimination and Race Discrimination in Cuyahoga County

A 2017 study by The Fair Housing Center using testing showed that landlords refuse to rent units outside of areas that already have concentrations of housing vouchers 9 out of 10 times (in 101 tests; see Figure 15). A renter with a housing voucher was refused 91.2% of the time, receiving an explicit denial in nearly 60% of inquiries and being ignored in 32.7% of inquiries (a wrap-around tester, with no voucher, received a response). Landlords who deny units to housing voucher program participants help maintain racially segregated living patterns in Cuyahoga County.

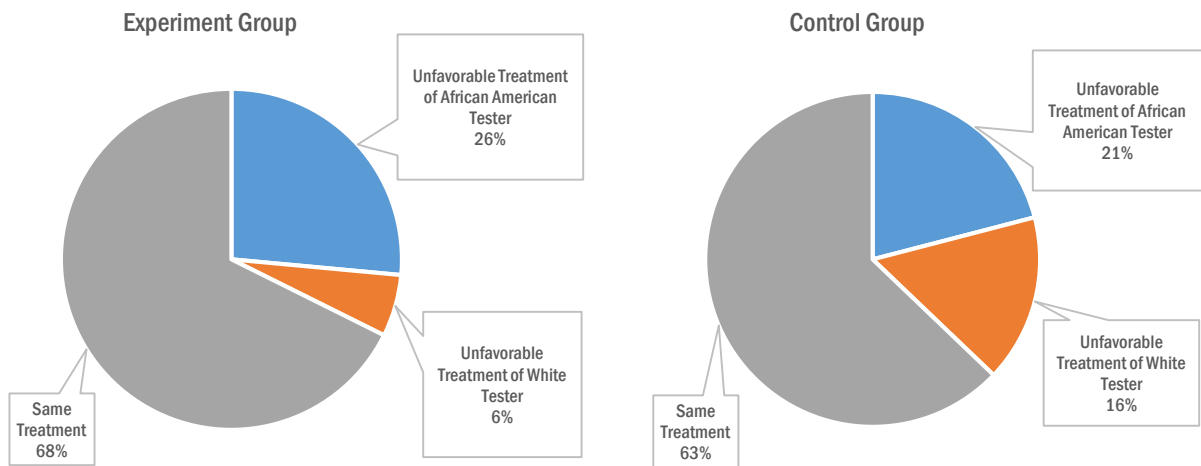
Figure 15: Location of Housing Voucher Renter Investigations and Housing Vouchers as a Percentage of All Renters in Cuyahoga County by Census Tract in 2015



(Source: HUD, A Picture of Subsidized Housing, 2015; 2015 American Community Survey 5-Year Estimates)

This study also showed that landlords in Cuyahoga County who advertise “No Section 8” are more likely to discriminate against African American renters, who were not using a voucher, when compared to landlords who do not mention vouchers in their ads. Results from this study showed African American renters are more likely to experience racial unfavorable treatment if they contact a landlord who advertised that they do not accept housing vouchers compared to a landlord whose rental ad did not state a preference or limitation regarding vouchers. African American renters experienced unfavorable treatment by landlords who advertised “No Section 8” in 26.4% of tests and white renters in 5.8% of tests. African American renters experienced unfavorable treatment by landlords who did not mention vouchers in their ads in 20.9% of tests and white renters in 16.1% of tests (see Figure 16).

Figure 16: Results of Part One Experiment Group and Control Group Tests



The African American testers experienced unfavorable treatment of a different nature when compared to the white testers was very different. The white tester only experienced ignoring as a form of unfavorable treatment by the housing provider. The African American renter was told units were unavailable while the white tester was offered time to view the unit; the African American renter was given less information than the white renter; and the African American renter was vetted more stringently than the white renter. In several tests the first response received by the African American tester was analogous to “we don’t accept vouchers” showing that some housing providers associate African Americans with HCVP in Cuyahoga County (no renter mentioned a voucher in this series of investigations) In Cuyahoga County, the majority of participants in the Housing Choice Voucher Program are African American (91.1%). It is possible that some landlords are refusing to accept vouchers as a proxy for race-based discrimination.

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. 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 2014 and 2015 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 17 and 18 show home purchase denial rates for individuals in the Cleveland-Elyria MSA by race and income for 2014 and 2015 respectively. African Americans were denied mortgages at the highest rates both years (21.1% for 2014, 20.4% for 2015), more than twice the rate of whites (9.6% for 2014, 8.7% for 2015). For each income level, African Americans were denied mortgages at the highest rate of all races/ethnicities measured in both 2014 and 2015. From 2014 to 2015, total denial rates for all races/ethnicities decreased. However, the denial rate increased for moderate-income Asian Americans, moderate-income African Americans, and upper-income Hispanics/Latinos.

Figure 17: Denial Rates of Home Purchase Loans, 2014

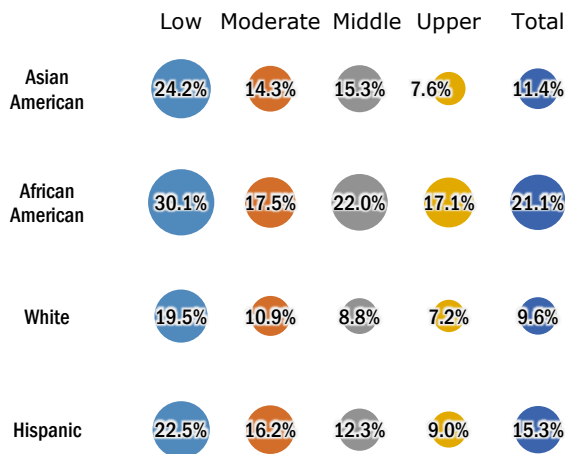
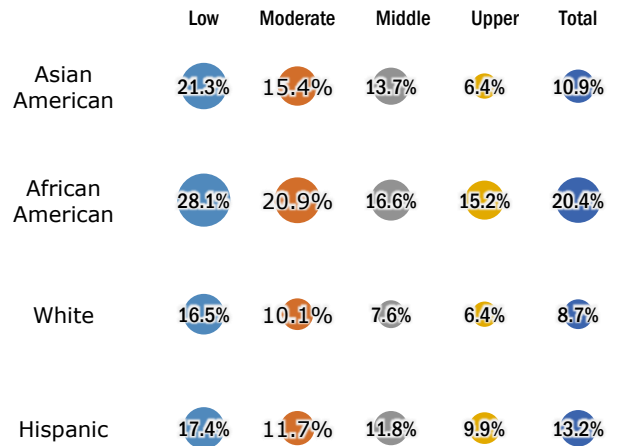


Figure 18: Denial Rates of Home Purchase Loans, 2015



(Source: 2014-2015 HDMA Data)¹³⁰

¹³⁰ See Table 16 on page 72.

Figures 19 and 20 show refinance loan denial rates for individuals in the Cleveland-Elyria MSA by race and income for 2014 and 2015 respectively. African Americans were denied at the highest rate both years (57.6% for 2014, 57.0% for 2015). In 2014, upper-income African Americans were denied at a rate (49.4%) more than twice the rates of upper-income Asian Americans and whites (25.8% and 25.8% respectively). In 2015, upper-income African Americans were denied at a rate (50.4%) more than twice that of upper-income Asian Americans and whites (23.6% and 23.3% respectively). From 2014 to 2015, denial rates for Asian Americans increased over all income levels, with a slight decrease in the upper-income bracket. This trend continued for African Americans as denial rates increased across income levels. Hispanics/Latinos and whites experienced a decrease in denial rates across all income levels from 2014 to 2015.

Figure 19: Denial Rates of Refinance Loans, 2014

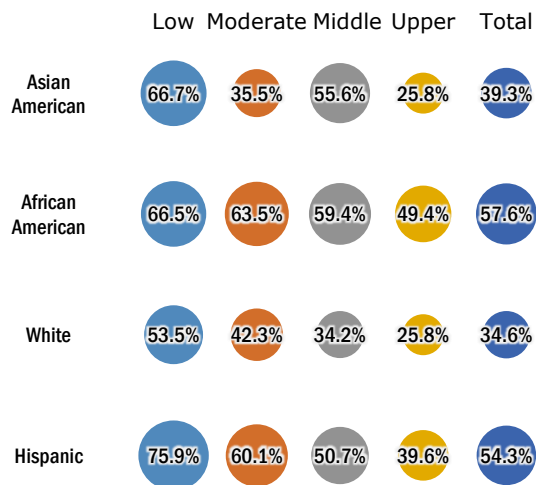
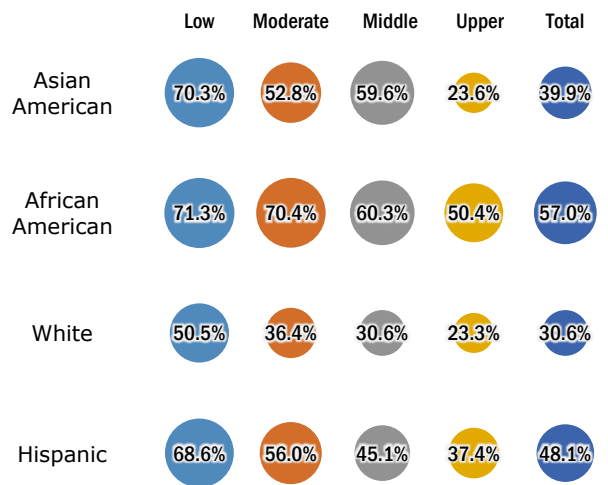


Figure 20: Denial Rates of Refinance Loans, 2015



(Source: 2014-2015 HDMA Data)¹³¹

¹³¹ See Table 17 on page 73.

Figures 21 and 22 show the rates of high-cost home purchase loans made to individuals in the Cleveland-Elyria MSA by race and income for 2014 and 2015 respectively. In both years, African Americans received high-cost home purchase loans at the highest rate (27.7% for 2014, 29.1% for 2015). In 2014, upper-income African Americans received high-cost loans at a rate (19.7%) five times more than upper-income whites (4.5%) and nearly three times more than upper-income Hispanics/Latinos (7.2%). In 2015, upper-income African Americans received high-cost loans at a rate (14.4%) at a much higher rate than did upper-income Asian Americans (1.1%), whites (3.1%), and Hispanics/Latinos (6.0%). African Americans were more than twice as likely to receive a high-cost mortgage as whites at every income level. From 2014 to 2015, total high-cost home purchase loan rates for Asian Americans and African Americans increased, whereas for whites and Hispanics/Latinos total high cost purchase loans slightly decreased.

Figure 21: Rate of High-Cost Home Purchase Loans, 2014

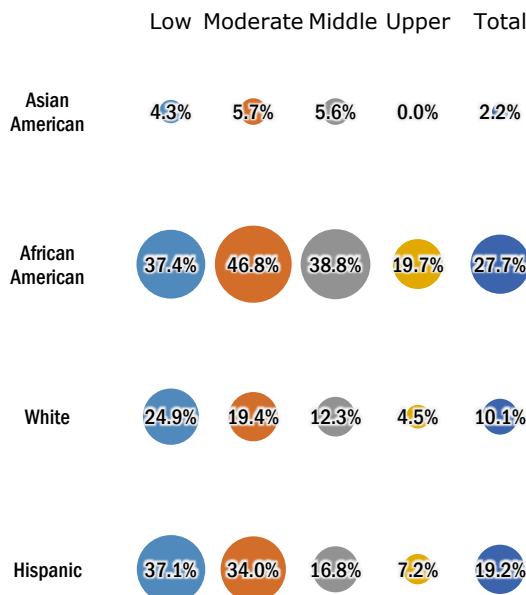
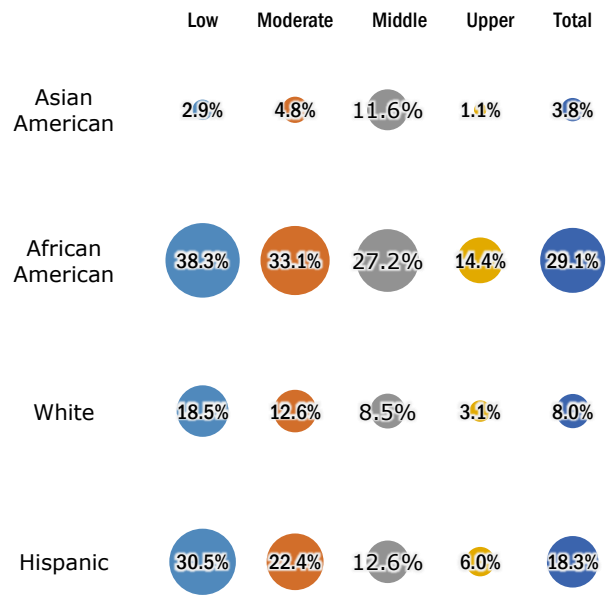


Figure 22: Rate of High-Cost Home Purchase Loans, 2015



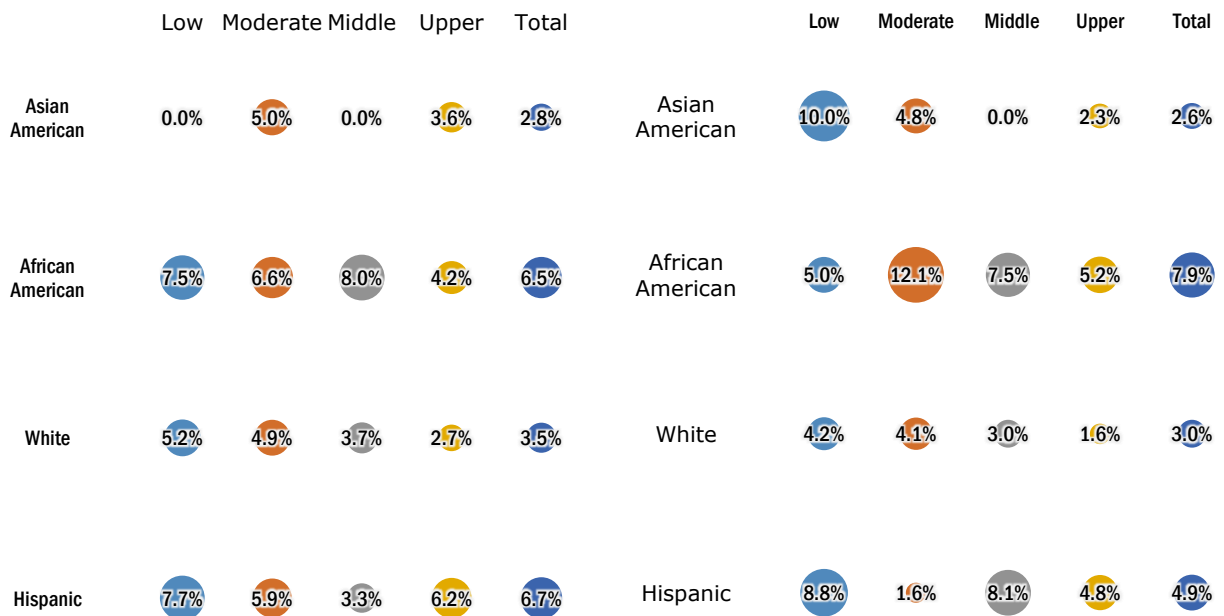
(Source: 2014-2015 HDMA Data)¹³²

¹³² See Table 18 on page 73.

Figures 23 and 24 show rates of high-cost refinance loans for individuals in the Cleveland-Elyria MSA by race and income for 2014 and 2015 respectively. In 2014, Hispanics/Latinos received the highest rate of high-cost refinance loans at 6.7%, followed closely by African Americans at 6.5%, whites at 3.5%, and Asian Americans at 2.8%. In 2015, however, African Americans received the highest total rate of high-cost refinance loans at 7.9%, while the rate for Hispanics/Latinos decreased. Total rates for Asian Americans and whites decreased. In 2014, middle-income African Americans received high-cost refinance loans at a rate (8.0%) twice that of whites (3.7%) and Hispanics/Latinos (3.3%). In 2015, the rate of low-income Asian Americans receiving high-cost refinance loans grew from 0.0% to 10.0%. Moderate-income African Americans rate of high-cost refinance loans nearly doubled, while the rate for middle-income Hispanics/Latinos more than doubled.

Figure 23: Rates of High-Cost Refinance Loans, 2014

Figure 24: Rates of High-Cost Refinance Loans, 2015



(Source: 2014-2015 HDMA Data)¹³³

¹³³ See Table 19 on page 73.

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 fifty 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, Fair Housing Center for Rights & Research 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 status as a victim 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.
 - 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.
 - Prohibit blanket bans on criminal backgrounds, which can have a disparate impact if a policy denies housing to anyone with a prior arrest or any kind of criminal conviction. Due to pervasive racial and ethnic disparities in the U.S. criminal justice system, restrictions to access to housing based on criminal history may disproportionately affect African Americans and Hispanics/Latinos ¹³⁴

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 “substantial 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.

¹³⁴ Housing Research & Advocacy Center, *Fair Housing for People with a Criminal History*, 2017: <http://www.thehousingcenter.org/wp-content/uploads/2017/12/Criminal-History-Brochure-2017.pdf>

U.S. Department of Housing and Urban Development, “Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real-Estate Related Transactions,” released April 2016.

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 renters; people of color; victims of domestic violence, dating violence, stalking, or sexual assault; or those with mental disabilities or mental health crises.**

Local criminal nuisance activity ordinances can have a disproportionately negative impact on renters, people of color, victims of domestic violence, and those with mental health disabilities. Nuisance ordinances penalize both landlord and tenant when calls are made to law enforcement in response to an activity deemed “criminal activity.” These ordinances require abatement of the nuisance activity by the landlord; abatement is often synonymous with eviction of the “problem” tenant.

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 the “Local Zoning Decisions Protection Act of 2017.”** This bill, introduced in both the United States Senate and House would undermine federal and local efforts to use federal money to increase integration and it would cut off local governments and advocates from crucial data on demographics and federal housing programs to make policy decisions that would affirmatively further fair housing.

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 home 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. The 2017 Safe Recovery and Community Empowerment Act ought to be opposed. This bill would amend the FHA to provide that nothing in federal law related to protecting persons with disabilities would prohibit a local, state, or federal government body from requiring a reasonable minimum distance between residential recovery facilities within a residential area zoned for residential housing. This bill would restrict group homes and residential recovery facilities from serving those persons in need of support and

recovery from drug or alcohol addiction.

- 7) **Thoughtfully research and utilize a regional Assessment of Fair Housing 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 (NEOSCC) conducted an AI in the 12-county region of Northeast Ohio (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Mahoning, Medina, Portage, Summit, Stark, Trumbull, and Wayne). Because fair housing issues overlap jurisdictional boundaries, HUD is encouraging consolidated program participants to submit a regional Assessment of Fair Housing and to work together on overcoming factors that contribute to segregation and limit housing choice.
- 8) **Create a Housing Voucher mobility program to encourage and assist housing voucher participants to move to high opportunity neighborhoods to deconcentrate voucher households.** A housing voucher mobility program should include a flexible payment standard and security deposit assistance so that voucher holders can afford higher rents in high opportunity neighborhoods. Landlords should be recruited to participate in the program in high opportunity neighborhoods.
- 9) **Encourage the Ohio Housing Finance Agency to prioritize high-opportunity neighborhoods when awarding Low Income Housing Tax Credits.** LIHTC properties are not being used to decrease racial and economic segregation in Cuyahoga County. Siting future LIHTC properties, particularly those to be occupied by families, in racially integrated, high opportunity neighborhoods will expand housing choice for people in Cuyahoga County.
- 10) **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 not returning 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.”¹³⁵

¹³⁵ 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).

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.

- 11) **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 Fair 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 that discrimination is not occurring in the mortgage and financial services industries.¹³⁶ The Fair Housing Center supports the efforts of the CFPB to expand the categories of data reported through the Home Mortgage Disclosure Act (HMDA).
- 12) **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 Fair Housing Center continues to uncover new multi-family housing that does not comply with federal and state accessibility requirements.¹³⁷ 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.
- 13) **Provide government incentives to help achieve housing integration.** Forty-nine 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

¹³⁶ The Fair Housing Center conducts a periodic analysis of race and ethnicity in Ohio mortgage lending. The most recent report, examining 2013 mortgage lending data, found continued racial and ethnic disparities throughout Ohio. See Housing Research & Advocacy Center, "Racial and Ethnic Disparities in 2012 & 2013 Mortgage Lending," available at <http://www.thehousingcenter.org/publications/research-and-reports/>.

¹³⁷ See Housing Research & Advocacy Center, "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/press-releases/>

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.

- 14) **Continue to fund comprehensive local fair housing programs, including enforcement, client intake and assistance, testing, research, and advocacy.** Local private fair housing organizations process and assist in the majority of fair housing discrimination complaints as well as monitor for fair housing compliance through testing programs.¹³⁸

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 Fair 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.

¹³⁸ National Fair Housing Alliance, *The Case for Fair Housing: 2017 Fair Housing Trends Report*, 2017; Accessed April 12, 2018: <http://nationalfairhousing.org/wp-content/uploads/2017/04/TRENDS-REPORT-4-19-17-FINAL-2.pdf>

Appendix A: Population Data by County

Table 9: 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 or Alaska Native	NR	NR	160	0.2	196	0.2	195	0.2	241	0.2
Asian or 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. NR is "Not Reported"

Table 10: 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 or Alaska Native	NR	NR	1,644	0.1	2,533	0.2	2,529	0.2	2,578	0.2
Asian or 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 11: 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 12: 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 13: 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 14: 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 15 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 16: Home Purchase Loan Denials for Cleveland MSA, 2014-2015

Income	Low		Moderate		Middle		Upper		Total	
	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications
2014										
Asian	8	23	9	53	13	71	18	210	48	357
Black	82	182	106	474	77	258	43	198	308	1112
White	263	1041	411	3250	354	3584	517	6459	1545	14334
Hispanic	34	116	32	159	17	119	14	138	97	532
2015										
Asian	10	35	12	63	14	86	19	267	55	451
Black	102	248	130	474	74	356	40	215	346	1293
White	286	1400	421	3655	349	4131	476	6697	1532	15883
Hispanic	34	151	29	210	18	127	17	151	98	639

Source: 2014-2015 HDMA Data

Table 17: Refinance Loan Denials for Cleveland MSA, 2014-2015

Income	Low		Moderate		Middle		Upper		Total	
	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications
2014										
Asian	14	21	11	31	30	54	33	128	101	257
Black	242	364	303	477	275	463	210	425	1142	1984
White	855	1598	1324	3127	1411	4,123	1998	7743	6267	18,100
Hispanic	85	112	116	193	70	138	59	149	353	650
2015										
Asian	26	37	28	53	28	47	42	178	137	343
Black	236	331	311	442	277	459	195	387	1162	2037
White	917	1816	1182	3249	1371	4486	1890	8117	6144	20079
Hispanic	81	118	89	159	79	175	68	182	351	730

Source: 2014-2015 HDMA Data

Table 18: High-Cost Home Purchase Loans for Cleveland MSA, 2014-2015

Income	Low		Moderate		Middle		Upper		Total	
	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans
2014										
Asian	1	22	3	50	4	67	0	210	8	361
Black	68	114	222	252	100	158	39	159	429	1117
White	259	782	629	2621	442	3142	293	6166	1630	14461
Hispanic	43	73	54	105	20	99	10	128	127	533
2015										
Asian	1	34	3	60	10	76	3	264	17	436
Black	95	153	157	317	97	259	31	184	380	925
White	259	1141	461	2194	351	3780	209	6488	1283	14718
Hispanic	46	105	47	163	16	111	9	142	118	526

Source: 2014-2015 HDMA Data

Table 19: High-Cost Refinance Loans for Cleveland MSA, 2014-2015

Income	Low		Moderate		Middle		Upper		Total	
	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans	High Cost	All Loans
2014										
Asian	0	6	1	19	0	23	3	81	4	138
Black	8	99	10	141	13	150	8	181	48	694
White	35	635	82	1598	93	2409	145	5240	385	10639
Hispanic	2	24	4	64	2	59	5	76	18	252
2015										
Asian	1	9	1	20	0	17	3	126	5	184
Black	4	76	14	102	12	147	9	164	61	716
White	34	772	78	1834	86	2815	94	5701	388	12560
Hispanic	3	31	1	62	7	79	5	99	17	328

Source: 2014-2015 HDMA Data

Appendix B: Fair Housing Complaint Data by County

Table 20: Fair Housing Complaints Filed in Ashtabula County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	9	0	12
2015	0	0	0	0	0	2	3	0	5
2016	0	0	0	0	0	1	3	0	4
2017	0	0	0	0	0	0	6	0	6
Total	20	0	0	1	2	15	68	2	108

Table 21: Fair Housing Complaints Filed in Cuyahoga County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	49	3	3	2	28	59	86	17	247
2015	39	1	6	2	11	30	52	15	156
2016	20	1	1	5	17	21	35	10	110
2017	18	1	0	8	5	11	31	10	84
Total	886	27	57	173	178	534	669	138	2662

Table 22: Fair Housing Complaints Filed in Geauga County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	1	0	0	0	1
2015	0	0	0	0	0	1	1	0	2
2016	1	0	0	0	0	0	0	0	1
2017	0	0	0	0	0	0	0	0	0
Total	15	0	1	0	3	9	24	6	58

Table 23: Fair Housing Complaints Filed in Lake County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	2	1	0	1	3	3	10	2	22
2015	0	0	0	1	1	0	1	0	3
2016	2	0	0	1	0	3	6	1	13
2017	1	0	0	0	2	0	3	0	6
Total	57	4	1	15	17	59	147	7	307

Table 24: Fair Housing Complaints Filed in Lorain County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	5	0	0	1	1	10	10	2	29
2015	5	0	0	0	2	3	6	3	19
2016	5	0	0	0	1	0	4	1	11
2017	2	0	1	1	1	2	2	1	10
Total	71	3	8	19	19	55	69	25	269

Table 25: Fair Housing Complaints Filed in Medina County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	4	0	7
2015	2	0	0	0	0	1	3	0	6
2016	0	0	0	0	0	0	4	0	4
2017	3	0	0	0	1	2	3	0	9
Total	22	0	1	3	10	47	56	5	144

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.

Because of an agreement with HUD, fair housing cases filed directly with the OCRC were also logged into HUD's database, Title Eight Automated Paperless Office Tracking System (TEAPOTS) and now the HUD Enforcement Management System (HEMS), 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.¹³⁹ 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.¹⁴⁰ 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 sex, 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.

¹³⁹ Starting in 2009, HUD began retaining jurisdiction of cases alleging violations of the accessibility provisions for new multi-family construction.

Appendix D: Methodology for Calculating Instances of Housing Discrimination

The Fair 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.¹⁴¹

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.¹⁴² 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 Fair 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.¹⁴³ Using this formula, The Fair 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

¹⁴¹ 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).

¹⁴² 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 Fair 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 home seekers 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>.

¹⁴³ 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.

of discrimination based on these grounds alone. The Fair 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

Figure 1-2: Fair Housing Center for Rights & Research 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: Fair Housing Center for Rights & Research analysis of data provided by U.S. Department of Housing and Urban Development, A Picture of Subsidized Households 2013 and American Community Survey 5-Year Estimates, 2013.

Figure 14: Fair Housing Center for Rights & Research analysis of data provided by U.S. Department of Housing and Urban Development, HUD eGIS and American Community Survey 5-Year Estimates, 2013.

Figure 15: Fair Housing Center for Rights & Research analysis of data provided by U.S. Department of Housing and Urban Development, A Picture of Subsidized Housing 2015 and American Community Survey 5-Year Estimates, 2015.

Figure 16: Compiled by Fair Housing Center for Rights & Research.

Figure 17-24: Tables 16-19: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act Peer Mortgage Data, 2014-2015.

Table 1: Compiled by Fair Housing Center for Rights & Research.

Table 2: Fair Housing Center for Rights & Research analysis provided by Ohio Supreme Court Municipal Court Statistical Report 2016.

Table 3 Fair Housing Center for Rights & Research analysis of data provided by U.S. Department of Housing and Urban Development.

Table 4: "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 5: 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 6: 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 7: Census Scope, Segregation Measures, found at <http://www.census.gov/c2k00/scope/index.php>.

Table 8: U.S. Census, "Racial and Ethnic Residential Segregation in the United States: 1980-2000," (August 2002), Tables 5-4 and 6-4.

Tables 9-14: 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 15: U.S. Census Bureau, Year Housing Built, American Community Survey 5-Year Estimates, 2013.

Tables 16-17: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act Peer Mortgage Data, 2014-2015.

Tables 18-19: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act Peer Mortgage Data, 2014-2015.

Tables 20-25: Fair Housing Center for Rights & Research analysis of data provided by U.S. Department of Housing and Urban Development.

Fair Housing Center for Rights & Research is a not-for-profit agency whose mission is to protect and expand fair housing rights, eliminate housing discrimination, and promote integrated communities.

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