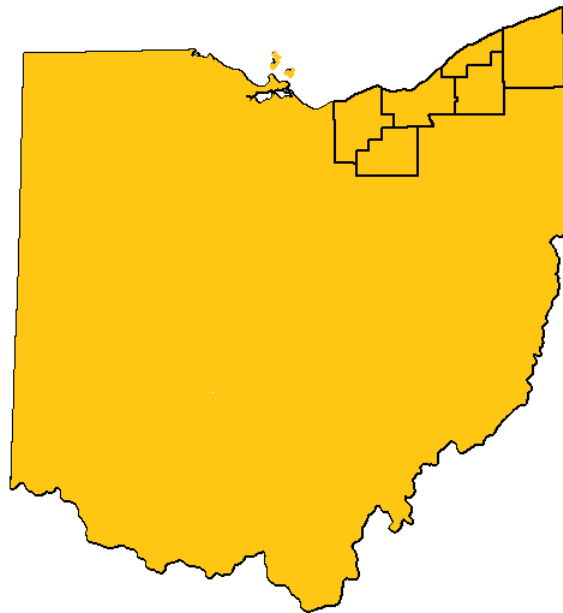


The State of Fair Housing in Northeast Ohio

June 2019



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Fair Housing Center
for Rights & Research

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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.

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THE STATE OF FAIR HOUSING IN NORTHEAST OHIO

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.

This report is The Fair Housing Center's fourteenth annual comprehensive survey of fair housing for Ashtabula, Cuyahoga, Geauga, Lake, Lorain, and Medina Counties. The report finds that 51 years after the passage of the federal Fair Housing Act housing discrimination remains wide spread. The following are some of the key findings of the report.

1. Federal and Ohio fair housing protections are eroding. HUD's suspension of the *Affirmatively Furthering Fair Housing* (AFFH) regulation is a setback for fair housing. AFFH created a standardized, publicly-informed process for local fair housing planning. AFFH would have held jurisdictions accountable for increasing residential integration and undoing the effects of discrimination.

Ohio State courts and the state legislature have steadily reduced the protections provided under the Ohio's fair housing law. Several state court decisions have limited the statute of limitations for bringing complaints under the state's design and construction requirements for accessible, new housing. They found that the Ohio Attorney General cannot force noncompliant developers to retrofit inaccessible units as a remedy. They also found that landlords are not required to take action when their tenants are racially harassing their neighbors. Ohio judges have reduced the "substantial equivalency" of state law to federal law, jeopardizing federal funding granted to the State of Ohio to do the work of upholding civil rights.

In 2016, the Ohio General Assembly amended the state fair housing law to reduce penalties against those who violate the law and to increase the oath requirements for people trying to seek protection under the law. Both of these changes are regressive.

2. Local fair housing protections are expanding.

In 2018, Cuyahoga County passed the first county-wide, antidiscrimination law in Ohio. Cuyahoga County's expands beyond state and federal law by protecting people from housing discrimination on the bases of race, color, religion, national origin, sex, disability, ancestry, military status, age, sexual orientation and gender identity. It also protects people in the realms of employment and public accommodations. There are 60 municipal fair housing laws in Northeast Ohio, many of which are more expansive than federal and state law.

3. The Cleveland Metropolitan Statistical Area remains one of the most racially segregated regions in the United States.

4. Mortgage lenders deny loans to people of color at higher rates and make few loans in majority-minority neighborhoods.

In Northeast Ohio, lenders deny home-purchase mortgages to African American borrowers at more than twice the rate they do to white borrowers. In Cuyahoga County, some of the largest lenders have no branch presence in majority-minority census tracts and do very little of their business in majority-minority census tracts. Across the United States, Black homeownership is decreasing.

5. The Housing Choice Voucher Program (HCVP) contributes to racial segregation because of legal discrimination.

In the Cleveland metropolitan region, participants in the HCVP (89% of whom are African American) are more racially segregated than their peers at the same income level paying out of pocket for housing. Landlords in Cuyahoga County refuse to accept HCVP 91% of the time. Landlords who advertise “no Section 8” are more likely to discriminate against Black renters. It is possible that some landlords some landlords refuse to take HCVP as a legal proxy for refusing to rent to black renters.

6. Cities in Northeast Ohio have adopted Criminal Activity Nuisance Ordinances (CANOs) as a tool for excluding the people of color, victims of domestic violence, and people with disabilities. CANOs are laws that penalize property owners for crimes and other unwanted behaviors that place on or near their property. CANO enforcement is triggered by a response of emergency services to a property. Landlords are fined for CANO violations and often pressured to evict

tenants causing the perceived nuisance. Researchers at Cleveland State University have shown that some cities in Northeast Ohio adopted CANOs as a response to increasing racial diversity. Some disproportionately target people of color with CANO enforcement. CANOs often cause the eviction of survivors of domestic violence following an incident of domestic violence. CANO enforcement discourages people from calling police and ambulance services when they are in moments of danger. Some cities have used their CANOs to evict people in health crises following their call for an ambulance.

7. Burdensome group home regulations exclude people with disabilities from cities.

Many cities in Northeast Ohio have set minimum distance requirements for group homes. Group homes are communal living settings for people who cannot live independently due to a disability but wish to live integrated with the greater community. Even the smallest minimum distance requirements, 500ft between group homes, eliminate most available housing for use by group home residents. Some municipalities require group homes to be separated by a mile or more. Some cities regulate the residents themselves by limiting what illnesses they can have, requiring residents to have similar disabilities, or requiring that a citizen committee approve residents. Many cities have blanket bans on people with criminal histories living in group homes. Due to the racial bias of the criminal justice system in the United States, blanket bans on criminal records could violate the Fair Housing Act.



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 prohibit housing discrimination that was prevalent throughout the country. The Fair Housing Act makes it unlawful, on account of one of the classes protected by the statute, to:

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

The federal Fair Housing Act prohibits discrimination based on seven grounds: race, color, religion,

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.

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

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

In early 2019, the Fair Lending for All Act was introduced into the House of Representatives, which would prohibit credit discrimination and would add sexual orientation, gender identity, and an applicant’s location based on zip codes or census tract as classes protected against discrimination with respect to credit transactions.⁸ In 2019, the Equality 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. The protections would extend to education, employment, public accommodations, and in other areas as well.⁹ New legislation was introduced in the House in early 2019 to prohibit landlords from discriminating against participants of housing voucher programs.¹⁰

Several bills have been introduced into the Senate and the House of Representatives concerning survivors of domestic violence. The Protecting Domestic Violence and Stalking Victims Act, introduced January 11, 2019 to the House of Representatives, would protect more victims of domestic violence by preventing their

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 Lending for All Act, H.R.166, 116 Cong. (January 2019).

⁹ Equality Act, H.R. 5, 116 Cong. (March 2019).

¹⁰ Landlord Accountability Act, H.R. 232, 116 Cong. (January 2019).

abusers from possessing or receiving firearms.¹¹ A Protecting Immigrant Victims of Domestic Violence Act, introduced into the Senate in February 2019, would provide immigration status for certain battered spouses and children.¹² The Abby Honold Act would authorize the Office on Violence against Women to improve the handling of crimes of domestic violence, dating violence, sexual assault, and stalking by incorporating a trauma-informed approach into the initial response and investigation of such crimes.¹³ The SAFE Act of 2019 would promote the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking.¹⁴

2. Challenges to the Fair Housing Act

In 2018, HUD effectively suspended the Affirmatively Furthering Fair Housing Rule (AFFH).¹⁵ The 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.¹⁶ In addition, the AFFH rule was meant to replace the obligation to prepare an Analysis of Impediments to Fair Housing Choice (AI) with an Assessment of Fair Housing (AFH). The purpose of the AFH was to help recipients of federal funds 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

¹¹ Protecting Domestic Violence and Stalking Victims Act, H.R. 511, 116 Cong. (January 2019).

¹² Protecting Immigrant Victims of Domestic Violence Act, S. 415, 116 Cong. (February 2019).

¹³ Abby Honold Act, S. 171, 116 Cong (January 2019).

¹⁴ SAFE Act of 2019, H.R. 1468, 116 Cong. (February 2019).

¹⁵ 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).

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

priorities and goals; and would be conducted and submitted to HUD using the Assessment Tool.¹⁷ 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 updating.¹⁸

B. State Law

1. Ohio Fair Housing Law

In Ohio, state law governing fair housing (Ohio Revised Code 4112.02(H)) covers residential property. 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.¹⁹ 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.²⁰

Although Ohio's fair housing law is written in language nearly identical to the federal Fair Housing Act, a series of decisions by Ohio courts in 2007 and 2008 interpreted Ohio's law to be inconsistent with the federal law in several key respects.²¹ These decisions held that the statute of limitations in design and construction

¹⁷ The United States Department of Housing and Urban Development, "Affirmatively Furthering Fair Housing; Final Rule." *Federal Register* vol. 80, no. 136 (July 16, 2015).

¹⁸ 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).

¹⁹ United States Census Bureau, *Ancestry*, Accessed March 29, 2018: <https://www.census.gov/topics/population/ancestry/about.html>

²⁰ 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 pages 13-14.

²¹ 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

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.²² 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.²³ Ohio's fair housing law was amended in 2016 to eliminate punitive damages and change the oath requirements for filing complaints.²⁴ In the Ohio Senate, Senate Bill 11 was introduced in February 2019; it would enact the Ohio Fairness Act to prohibit discrimination on the bases of sexual orientation and gender identity or expression.²⁵

C. Local Law

1. Local Fair Housing Ordinances

In 2018, Cuyahoga County passed a countywide, human-rights ordinance, the first of its kind in Ohio. The ordinance protects people from discrimination on the bases of race, color, religion, military status, national origin, disability, age, ancestry, familial status, sex, sexual orientation, and gender identity or expression in the areas of employment, housing, and public accommodations. By covering more bases, the county law is more expansive than federal, state, and many municipal fair housing laws. The county law is weaker than federal, state, and most municipal fair housing laws in that it does not allow victims of discrimination to seek relief beyond attorney's fees.²⁶

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 41 in Cuyahoga County, 4 in Lake County, 9 in Lorain County, and 3 in Medina County. There are no local fair housing ordinances in Geauga County.²⁷ While some of these ordinances provide the same protection

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).

²² *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*.

²³ 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).

²⁴ Ohio General Assembly. House. House Bill No. 463. 131st General Assembly Regular Session 2015-2016 (passed December 08, 2016).

²⁵ Senate Bill 11, General Assembly 133 (February 2019).

²⁶ Cuyahoga County Code §1501.01; Ordinance No. 02018-0009.

²⁷ 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.

as federal or state law, others are broader, offering protection from discrimination to additional classes of individuals.²⁸ The additional classes protected by cities in the region (and the number of local jurisdictions protecting them) include age (25 ordinances), marital status (20), creed (16), sexual orientation (23), disabled veteran status and Vietnam veteran status (4), ethnic group (5), gender identity (16), military discharge status (1), occupation (1), parental status (1), physical characteristic (2), source of income (5), and association with a protected class (2).

In March 2017, the City of Olmsted Falls passed an anti-discrimination law, which includes protections for the LGBTQ community.²⁹ In 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.³⁰ In November 2018, the City of Beachwood passed a fair housing ordinance that includes sexual orientation and gender identity.³¹

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.

²⁸ 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.

²⁹ Codified Ordinance of the City of Olmsted Falls, Ordinance No. 05-2017, amending sections 214.01; 214.04(a); 214.06; 623.01; 623.02; 623.03(a) and (c); 636.20(a); 636.21; 1479.08, Adopted 02/14/2017. Accessed April 23, 2019: <http://www.olmstedfalls.org/2017%20Legislation/05-2017%20-%20Human%20Rights%20Legislation.pdf>

³⁰ Codified Ordinance 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>

³¹ Codified Ordinance of the City of Beachwood § 160.02 (Ord. 2018-16. Passed 11-5-18).

Table 1: Local Fair Housing Laws in Northeast Ohio

Ordinance		515	1373	628		515	160	727	749	951	759	745	1493	665	749	1501	856	557
Complaint Process		Y	Y	Y		Y	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Fair Housing Board		Y	Y	N		N	N	N	N	N	N	Y	N	Y	Y	Y	N	Y
Association with a Protected Class																		
Occupation																		
Source of Income																		
Physical Characteristic																		
Vietnam/Disabled Vet Status														X				X
Military Discharge Status																		
Ethnic Group														X				X
Sexual Orientation							X				X			X	X	X	X	X
Gender Identity							X							X	X	X		X
Parental Status																		
Marital Status		X		X				X	X		X			X				X
Creed		X		X				X	X									
Age		X		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
Handicap/Disability (Federal cvrg.)		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
Familial Status (Federal coverage)		X	X			X	X	X	X	X	X	X	X	X	X	X	X	X
Sex/Gender (Federal coverage)		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
National Origin (Federal coverage)		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
Religion (Federal coverage)		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
Color (Federal coverage)		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
Race (Federal coverage)		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
Ashtabula County						Cuyahoga County												
Ashtabula City						Bay Village												
Conneaut						Beachwood												
Geneva						Bedford												
						Bedford Heights												
						Berea												
						Brook Park												
						Brooklyn												
						Brooklyn Heights												
						Cleveland												
						Cleveland Heights												
						Cuyahoga County												
						Cuyahoga Heights												
						East Cleveland												

Ordinance		763	563	771	773	519	715	516	515	825	150	743	515	1901	628	628	1353	623	622
Complaint Process		Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Fair Housing Board		N	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				X	
Gender Identity		X						X	X	X								X	
Parental Status																			
Marital Status								X			X								
Creed								X			X								
Age			X	X						X	X		X	X					
Military Status (state coverage)		X							X	X	X					X		X	
Ancestry (state coverage)		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	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	X
National Origin (Federal coverage)		X	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	X
Color (Federal coverage)		X	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	X
	Cuyahoga County (Continued)																		
	Euclid																		
	Fairview Park																		
	Garfield Heights																		
	Gates Mills																		
	Glenwillow																		
	Highland Hills																		
	Lakewood																		
	Lindale																		
	Maple Heights																		
	Mayfield Heights																		
	Mayfield Village																		
	Newburgh Heights																		
	North Olmsted																		
	North Randall																		
	North Royalton																		
	Oakwood																		
	Olmsted Falls																		
	Parma																		

Ordinance		622	749	538	515	552,1408	1484	820	113	515	553,727			1175	628	1377	1103
Complaint Process		Y	Y	N	Y	Y	N	Y	Y	N	Y			Y	Y	Y	Y
Fair Housing Board		Y	Y	N	Y	Y	N	Y	N	N	Y			Y	Y	Y	N
Association with a Protected Class						X		X									
Occupation																	
Source of Income						X		X	X								X
Physical Characteristic						X											
Vietnam/Disabled Vet Status																	
Military Discharge Status																	X
Ethnic Group						X											
Sexual Orientation					X	X		X	X								X
Gender Identity					X	X		X	X								X
Parental Status																	X
Marital Status						X					X				X		X
Creed						X			X		X				X		
Age						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
Handicap/Disability (Federal cvrg.)		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			
Sex/Gender (Federal coverage)		X	X	X	X	X	X	X	X	X	X			X	X	X	X
National Origin (Federal coverage)		X	X	X	X	X	X	X	X	X	X			X	X	X	X
Religion (Federal coverage)		X	X	X	X	X	X	X	X	X	X			X	X	X	X
Color (Federal coverage)		X	X	X	X	X	X	X	X	X	X			X	X	X	X
Race (Federal coverage)		X	X	X	X	X	X	X	X	X	X			X	X	X	X
Cuyahoga County (Continued)																	
Parma Heights																	
Richmond Heights																	
Rocky River																	
Shaker Heights																	
South Euclid																	
Strongsville																	
University Heights																	
Warrensville Heights																	
Westlake																	
Woodmere																	
Lake County																	
Mentor																	
Mentor-on-the-Lake																	
Painesville																	
Wickliffe																	

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

2. Fair Housing Issues in Municipal Ordinances³²

The Fair Housing Center has identified several issues in local ordinances with potential 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. Congress later added sex, familial status, and disability.³³ 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 three or fewer 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))³⁴ 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)

³² 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.

³³ 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.)

³⁴ 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.

without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

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

The exemption does not apply to making, printing, or publishing an 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 these exemptions 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 to 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 County³⁵

City or Village	Single-Family Home Exemption	Mrs. Murphy Exemption
Brooklyn	Yes	Yes
Euclid	No	Yes ³⁶
Gates Mills	Yes	Yes
Highland Hills	Yes	Yes ³⁷
Mayfield Village	Yes	Yes
Newburgh Heights	Yes	Yes
North Olmsted	Yes	Yes
North Randall	Yes	Yes
Oakwood	Yes	Yes
Parma	Yes	Yes ³⁸
Parma Heights	Yes	Yes
Shaker Heights	Yes	Yes
South Euclid	Yes	Yes

Lorain County³⁹

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

b. Domestic Violence and Housing Discrimination

Domestic violence disproportionately impacts women with one in four women experiencing domestic violence in her lifetime. Women are five times more likely to be survivors of domestic violence (hereafter, “survivors”) than men. Survivors often face housing insecurity as a result of domestic violence including housing discrimination due to their status as survivors and possible loss of current housing due to criminal

³⁵ 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 the City 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.).

³⁶ Exemption only applies to owner-occupied duplexes

³⁷ Exemption on the basis of family status only

³⁸ Exemption only applies to owner-occupied duplexes

³⁹ Codified Ordinances of the City of Elyria § 725.10 (Ord. 96-98. Passed 5-6-96.)

activity nuisance ordinances.

In 2019, The Fair Housing Center released a report on housing discrimination experienced by survivors in Cuyahoga County. Twenty percent of survivors surveyed for this report responded that they struggled to find new housing following an act of domestic violence; 16.7% responded that they faced homelessness. Thirteen percent responded that they were evicted because of domestic violence.

Multiple systems work to discourage survivors from contacting emergency services, including criminal activity nuisance ordinances, law enforcement, and child services. Twenty percent of survivors surveyed in Cuyahoga County reported they had refrained from calling 911 concerning domestic violence for fear of eviction or that child services would remove their children from the home. Survivors face housing discrimination because of their history of domestic violence through unfavorable treatment from landlords, denial of access to housing, and eviction in both the private and subsidized housing markets. Thirty percent of surveyed survivors reported experiencing housing discrimination.

The Fair Housing Center used matched-pair phone and email testing to measure the incidence of discrimination occurring towards survivors in their search for housing in Cuyahoga County. Testing pairs included: A) an African American survivor or advocate for survivors (the protected tester) and an African American tester not associated with domestic violence (control tester); and B) a white survivor or advocate and a white control tester. In 92 conclusive tests, 35.9% revealed unfavorable treatment of the protected tester. Testers posing as a survivor experienced unfavorable treatment 34.0% of the time (17 of 50 total tests). Testers posing as advocates contacting housing providers on behalf of survivors experienced unfavorable treatment 38.1% of the time (16 of 42 total tests).⁴⁰

i. 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. Such laws list specific behaviors that are classified as a nuisance. Often, CANOs define a timeline wherein if a specified number of “nuisance” activities occur, the jurisdiction will require the property owner to “abate” the nuisance or face a penalty.

Eviction is the most common landlord response to a nuisance notification. This increases housing instability and can exacerbate behavior that triggered the nuisance citation, such as domestic violence. Once a person has an eviction record, it is much more difficult to obtain housing. Survivors of domestic violence may not have the immediate financial means available to secure alternate housing. Many survivors face homelessness upon eviction. Threats of eviction or a nuisance citation may also cause a survivor to avoid calling the police for assistance, fearing a phone call for help could jeopardize their current and future housing options.

In many jurisdictions, notice of the nuisance only goes to the property owner, not the tenant, and allows only the property owner to challenge the nuisance designation. This raises concerns of due process for the resident in question who is not given the notice or opportunity to defend against the allegations or

⁴⁰ Michael Lepley & Lenore Mangiarelli, “Domestic Violence Survivor Housing Discrimination in Cuyahoga County,” Fair Housing Center for Rights & Research, February 2019. Available at: <http://www.thehousingcenter.org/wp-content/uploads/2019/03/Domestic-Violence-Discrimination-Study-Final.pdf>

designation as a nuisance activity.⁴¹

A Milwaukee-based study showed that residents in African American neighborhoods disproportionately received nuisance property citations and that a third of all citations were generated by incidents of domestic violence. In 78% of cases where landlords received a citation, landlords abated nuisance citations by discouraging tenants from calling 911, threatening to evict, or actually evicting the tenants.⁴²

There are 37 CANOS in Northeast Ohio, 13 (35.1%) of which include domestic violence as a nuisance activity. Municipalities use CANO enforcement as a tool for control and exclusion of vulnerable renters. Some municipalities in Cuyahoga County adopted CANOs as a response to residents' racial and economic bias against incoming renters, particularly renters of color and renters using housing subsidies such as the Housing Choice Voucher. Some cities use CANOs to evict Housing Choice Voucher Program participants by crosschecking alleged nuisance activity against lists of HCVP renters and requesting that the housing authority revoke the vouchers from these tenants. CANOS are used to target minor, non-criminal behaviors. The mere record that a landlord or other residents believe that criminal activity has occurred on the premise counts against the resident.⁴³

Municipalities use CANOs to penalize and remove renters experiencing mental health crises, drug addiction, and domestic violence when they called emergency services. Some city law directors in Cuyahoga County actively encourage property owners to use eviction as a remedy to avoid CANO penalties. CANOs have the effect of discouraging renters from calling emergency services, destabilizing their housing, and increasing homelessness. CANOs disproportionately affect people of color, renters (particularly participants of the housing choice voucher program), survivors of domestic violence, and people with disabilities, and may violate the federal Fair Housing Act.⁴⁴ Throughout Cuyahoga County, enforcement of criminal activity nuisance ordinances varies. Researchers at Cleveland State University showed that in some cities, more than half of CANO letters are sent in response to domestic violence incidents. These letters often result in evictions of the survivor of domestic violence.⁴⁵ Several U.S. cities have settled Fair Housing Act complaints when their CANO enforcement caused the eviction of survivors of domestic violence.⁴⁶

⁴¹ Joseph Mead, Megan E. Hatch, J. Rosie Tighe, Marissa Pappas, Kristi Andrasik, "Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio," Cleveland State University, 2017.

⁴² Matthew Desmond and Nicol Valdez, "Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner City Women," *American Sociological Review* 78(1) 117-131, 2012.

⁴³ Mead, et al., "Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio," Cleveland State University, 2017.

⁴⁴ "Assessing Claims of Housing Discrimination against Victims of Domestic Violence under the Fair Housing Act (FHA) and the Violence Against Women Act (VAWA)," U.S. Department of Housing and Urban Development, 2011.

⁴⁵ Mead, et. al., "Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio," Cleveland State University, 2017.

⁴⁶ *Briggs v. Borough of Norristown, et al.* No. 2:13-cv-02191-ER *ED Pa. filed Apr. 29, 2013.
Nancy Markham v. City of Surprise, et al. 2:15-cv-01696-SRB Filed Sept. 2, 2015.
Rosetta Watson v. City of Maplewood, Missouri: 4:17-cv-1269 Filed April 7, 2017.

The Fair Housing Center reviewed ordinances for every municipality in Northeast Ohio and identified the following (those that include “domestic violence” as a nuisance activity are marked with an asterisk*):

Ashtabula County:⁴⁷

- Ashtabula
- Geneva-on-the-Lake*

Cuyahoga County:⁴⁸

- Bedford*
- Bedford Heights
- Berea
- Brooklyn
- Cleveland
- Cleveland Heights
- Cuyahoga Heights*
- East Cleveland
- Euclid
- Fairview Park*

⁴⁷ Codified Ordinances of the City of Ashtabula § 521 (Ord. 2011-36. Passed 3-7-11). Codified Ordinances of the Village of Geneva-on-the-Lake § 151 (Ord. 2012-53. Passed 8-6-12).

⁴⁸ Codified Ordinances of the City of Bedford § 511.12 (Ord. 9523-17. Passed 9-18-17). 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. 574-18. Passed 5-14-18, eff. 5-15-18). 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. Ordinance amended and passed on 12/19/2016, Ordinance No.145-2016). 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. 13-2017. Passed 2-27-17). Codified Ordinances of the City of Independence § 663.02 (Ord. 2018-6. Passed 3-13-18). Codified Ordinances of the City of Lakewood § 510.01 (Ord. 22-18. Passed 7-2-2018.). Codified Ordinances of the City of Lyndhurst § 161.01 (Ord. 2017-11. Passed 2-20-17). Codified Ordinances of the City of Maple Heights §680 (Ord. 2016-106). 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. 2018-19. Passed 3-20-18.). 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; Ord. 160-16. Passed 8-1-16; Ord. 61-17. Passed 5-1-17). Codified Ordinances of the City of Seven Hills §565.02 (Ord. 95-2015. Passed 10-13-15). Codified Ordinances of the City of Shaker Heights §109.01 (Ord. 16-109. Enacted 10-24-16). 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; Ord. 08-17. Passed 6-12-17). 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 City of Warrensville Heights § 550.01 (Ord. 2016-036. Passed 2-16-16). Codified Ordinances of the Village of Woodmere § 551.07 (Ord. 2014-106. Passed 11-12-14).

- Garfield Heights
- Independence*
- Lakewood
- Lyndhurst
- Maple Heights
- Mayfield Heights
- Newburgh Heights*
- North Olmsted
- Oakwood
- Parma
- Seven Hills*
- Shaker Heights
- South Euclid
- University Heights
- Warrensville Heights*
- Woodmere*

Lake County:⁴⁹

- Fairport Harbor
- Mentor
- Mentor on the Lake
- Painesville

Lorain County:⁵⁰

- Avon Lake*
- Sheffield Lake*
- Wellington*

⁴⁹ Codified Ordinances of the Village of Fairport Harbor § 521 (Ord. 2006-39. Passed 4-4-06). Codified Ordinances 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 Ordinances of the City of Mentor on the Lake § 606.31 (Ord. 2009-O-07. Passed 3-24-09). Codified Ordinances of the City of Painesville § 508.20 (Ord. 22-08. Passed 11-3-08).

⁵⁰ Codified Ordinances of the City of Avon Lake § 662.01 (Ord. 54-2015. Passed 4-13-15). Codified Ordinances of the City of Sheffield Lake § 1395.25 (Ord. 1-14. Passed 1-14-14). Codified Ordinances of the City of Wellington § 501.14 (Ord. 2016-17. Passed 6-20-16).

Medina County:⁵¹

- Brunswick
- Wadsworth*

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

The 2005 reauthorization of 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.⁵² 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:

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

- Created emergency housing transfer options for victims of domestic violence.
- Gave tribal courts recourse against non-Native offenders.
- Protected lesbian, gay, bisexual, and transgender victims of domestic violence.
- Gave victims of domestic violence the right to self-certify.

⁵¹ Codified Ordinances of the City of Brunswick § 678 (Ord. 69-05. Passed 7-18-05). Codified Ordinances of the City of Wadsworth §93.70 (Ord. 13-039, passed 7-16-13).

⁵² “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>

- Offered additional protections for immigrant victims of domestic violence.⁵³

In November 2016, the VAWA final rule implemented the requirements of VAWA 2013 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.⁵⁴

VAWA was up for reauthorization in 2018 and was introduced into the House of Representatives in July 2018. Funding for the program was extended first to December 7th and then to December 21st.⁵⁵ Due to the government shutdown VAWA was not re-authorized and expired on December 21st. Grants that had already been awarded under VAWA were not affected, but all future payment requests from programs that receive VAWA funding will be delayed until the law is re-authorized. VAWA 2018 policies include prohibiting the sale of firearms to people subject to protection orders and to persons convicted of stalking.⁵⁶ VAWA protections were extended until February 15, 2019, following the re-opening of the government.⁵⁷ On April 4, 2019, the House of Representatives passed a bill re-authorizing VAWA;⁵⁸ as of the release of this report, the bill is currently in the Senate awaiting approval.⁵⁹

iii. 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

⁵³ 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).

⁵⁴ "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.

⁵⁵ H.R.6546—Violence Against Women Reauthorization Act of 2018, 115th Congress (2017-2018) via <https://www.congress.gov/bill/115th-congress/house-bill/6545/all-actions>

⁵⁶ Jenny Gathright, "Violence Against Women Act Expires Because of Government Shutdown," NPR Politics, Published December 24, 2018, Accessed January 18, 2019 via <https://www.npr.org/2018/12/24/679838115/violence-against-women-act-expires-because-of-government-shutdown>

⁵⁷ Sanjana Karanth, "Violence Against Women Act Extended Thanks to Shutdown Ending," Huffington Post, Published January 27, 2019, Accessed January 28, 2019 via https://www.huffingtonpost.com/entry/violence-against-women-act-expired-extended-government-shutdown_us_5c4e71abe4b06ba6d3be72e9

⁵⁸ Matthew Daly, "House Passes Violence Against Women Act with New Provision Against 'Boyfriend Loophole'," Time Magazine, April 4, 2019. Accessed via: <http://time.com/5564467/house-passes-violence-against-women-act/>

⁵⁹ H.R. 1585, "Violence Against Women Reauthorization Act of 2019," 116th Congress (2019-2020) via <https://www.congress.gov/bill/116th-congress/house-bill/1585/amendments?q=%7B%22search%22%3A%5B%22Violence+Against+Women+Act%22%5D%7D&r=6>

early release termination laws, 18 have lock change laws, 7 allow lease bifurcations, 15 have laws protecting survivor-tenant's right to call police or emergency assistance, 40 permit courts to exclude the abuser from property and grant possession of property to the survivor, 18 require the abuser to pay for or provide housing for the survivor, 11 impose liability on the abuser for damages to unit, 5 provide relocation assistance or right to emergency transfer, and 44 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 the restrained party from the petitioner's residence, and orders allowing the restrained party to provide suitable alternate housing in the case of a consent agreement.⁶⁰ In February 2018, House Bill 1 was passed by both the Ohio House and the Ohio Senate, which authorized dating violence protection orders for victims of intimate partner violence.⁶¹

c. Eviction and Fair Housing

People of color, women, families with children, and people with disabilities are at increased risk of eviction.⁶² 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.⁶³ The presence of children is a significant predictor of eviction.⁶⁴ 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.⁶⁵

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.⁶⁶ Evictions are the most common response landlords give to nuisance citations; housing instability following eviction places individuals in increasingly vulnerable situations, including homelessness, unsafe housing, inability to acquire new housing given their eviction

⁶⁰ National Housing Law Project, "Housing Rights of Domestic Violence Survivors: A State and Local Law Compendium," December 2017. Accessed April 18, 2019: <https://www.nhlp.org/wp-content/uploads/2018/07/2017-DV-State-and-Local-Housing-Laws-Compendium.pdf>

⁶¹ House Bill 1, "Authorize dating violence protection orders," General Assembly 132, The Ohio Legislature (2018).

⁶² 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).

⁶³ Matthew Desmond, "Unaffordable America: Poverty, housing, and eviction," University of Wisconsin-Madison Institute for Research on Poverty, *Fast Focus*, No. 22-2015 (March 2015).

⁶⁴ Matthew Desmond, "Eviction and the Reproduction of Urban Poverty," 118 American Journal of Sociology, 88, 120 (2012).

⁶⁵ 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.

⁶⁶ Matthew Desmond, *Evicted: Poverty and Profit in the American City*, The Crown Publishing Group: Penguin Random House, LLC, New York (2016).

record, loss of job, or disruption of children's schooling.⁶⁷ A Milwaukee study showed that citations for nuisance violations are issued most frequently in communities of color, and routinely lead to evictions.⁶⁸ Court-filed evictions account for just 24% of forced moves in the study; such evictions represent a fraction of all forced moves, revealing significant housing instability and vulnerability for low-income renters.⁶⁹

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.⁷⁰

Case law suggests that fair housing law covers discriminatory evictions.⁷¹ The Ninth Circuit held that the FHA does pertain to "post-acquisition (of housing) discrimination."⁷² 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 it 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 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.⁷³

There were over 11,000 evictions in Cleveland in 2017; most landlords have legal representation in housing court, while most tenants do not. Most tenants lose the eviction case, leading to housing instability and

⁶⁷ Joseph Mead, et al, "Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio," Cleveland State University office of Research (November 2017).

⁶⁸ Matthew Desmond, *Evicted: Poverty and Profit in the American City*, The Crown Publishing Group: Penguin Random House, LLC, New York (2016).

⁶⁹ 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/>

⁷⁰ 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.

⁷¹ 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).

⁷² *Comm. Concerning Cmty. Improvement v. City of Modesto*, 583 F.3d 690, 713 (9th Cir. 2009)

⁷³ 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.

even homelessness. Only 1 to 2% of tenants in Cleveland are represented by counsel; if represented, it is usually by a Legal Aid attorney.⁷⁴ An individual has the right to a public defender in criminal cases only, not in civil cases such as those in housing court. To address this problem, the Housing Justice Alliance (HJA) was recently established. HJA is a pilot program for the Cleveland Housing Court led by The Legal Aid Society of Cleveland that offers no-cost legal counsel in housing cases, particularly for an individual or family facing an eviction in housing court. This is the first program of its kind in Ohio and in the Midwest.⁷⁵

Cleveland Housing Court launched a new program January 1, 2019 to permit the sealing of eviction records. Within the State of Ohio, eviction records cannot be expunged. However, the Cleveland Housing Court program allows a tenant to move (under certain stipulations) to seal the record if the eviction case pertains to an address in the City of Cleveland. In sealing the record, the eviction is redacted from the housing court system, but not public record. A tenant is eligible to put forth this motion if a) the tenant won the case (settled or dismissed), yet the filing exists on his or her record even though there was no eviction judgment; or b) if the tenant was evicted 5 years ago, does not owe the landlord money, and has not had an eviction since.⁷⁶

Landlords can legally deny a person with an eviction record. The program to seal eviction records can thus protect some tenants from discrimination based on their eviction history through tenant screening by preventing the eviction record from appearing online or being available at the clerk's office. However, tenants with a sealed eviction record must continue to answer truthfully on a rental application about their eviction history, as the sealing of a civil record differs from the expungement of a criminal record (in which a prospective tenant can report that they do not have a criminal history after the expungement).⁷⁷ The program to seal the eviction record is limited, as tenants may still be subject to adverse actions from a housing provider due to the application questions regarding eviction history.

New York City was the first city to launch a right to counsel program for tenants facing evictions in the nation, passing the Universal Access law in 2017. One year after launching, evictions dropped by 24%; nearly a quarter-million New Yorkers received free legal representation, advice, or assistance in eviction and other housing-related matters;⁷⁸ and the city is expected to save millions in social services because of

⁷⁴ The Legal Aid Society of Cleveland, *Housing Justice Alliance*, Accessed via <https://lasclev.org/get-help/community-engagement/housing-justice-alliance/>

⁷⁵ Ibid.

⁷⁶ Rachel Dissell, "Cleveland Housing Court sets new rules to make requests to seal evictions easier," *The Plain Dealer*, December 2018, Accessed via <https://www.cleveland.com/metro/2018/12/cleveland-housing-court-sets-new-rules-to-make-requests-to-seal-evictions-easier.html>

Presentation from housing specialist of Cleveland Housing Court at March 2019 Northeast Ohio Fair Housing Collaborative.

⁷⁷ Ibid.

⁷⁸ New York City Human Resources Administration Office of Civil Justice, "Universal Access to Legal Services: A report on Year One of Implementation in New York City," Fall 2018.

the increase of tenant legal representation in eviction cases.⁷⁹ After one year of the pilot program, 30% of tenants who appeared in eviction cases citywide were represented by legal counsel. Eighty-four percent of households represented in court by pilot program lawyers were able to remain in their homes.⁸⁰

A comparative study of legal representation in eviction proceedings in Minnesota's Hennepin County in 2018 shows a significant increase in housing stability for those tenants who have legal representation in housing court during eviction proceedings. In the study, fully represented tenants won or settled their eviction case 96% of the time and clients who received limited legal services won or settled their case in 83% of cases. Tenants who received legal representation were twice as likely to stay in their home.⁸¹ Almost 80% of tenants with legal representation (fully represented or limited legal services) exited housing court without an eviction record, whereas only 6% of unrepresented tenants left court without an eviction on their record. Unrepresented tenants in this study were four to five times more likely than represented tenants to experience forced departure from their homes. Results of the study showed that nearly 80% of tenants facing eviction in court are people of color; providing tenants with legal representation can be one step toward reducing racial inequality.⁸² A report from Apartment List also highlights, that across its 8 million users, African American households are most likely to be at risk of eviction.⁸³

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.

⁷⁹ Leila Atassi, "Cleveland aims to provide free legal representation for tenants in eviction cases", November 28, 2018. Accessed via <https://www.cleveland.com/news/2018/11/cleveland-aims-to-provide-free-legal-representation-for-tenants-in-eviction-cases.html>

⁸⁰ New York City Human Resources Administration Office of Civil Justice, "Universal Access to Legal Services: A report on Year One of Implementation in New York City," Fall 2018.

⁸¹ Luke Grundman and Muria Kruger, "Legal Representation in Evictions—Comparative Study: Limited Services Data Included," Mid-Minnesota Legal Aid and Volunteer Lawyers Network, 2018.

⁸² Luke Grundman and Muria Kruger, "Legal Representation in Evictions—Comparative Study: Limited Services Data Included," Mid-Minnesota Legal Aid and Volunteer Lawyers Network, 2018.

⁸³ Sarah Holder, "Where Evictions Hurt the Most," City Lab, October 2017. Accessed via: <https://www.citylab.com/equity/2017/10/where-evictions-hurt-the-most/544238/>

Table 2: Total Eviction Cases Filed in Municipal Courts of Cuyahoga County in 2017

Municipal Court	Total Eviction Cases Filed in 2017
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 	1,813
Berea <ul style="list-style-type: none"> Serving: Berea, Brook Park, Cleveland Metroparks, Middleburg Heights, Olmsted Falls, Olmsted Township, Strongsville 	762
Cleveland Heights	893
Cleveland Housing Court <ul style="list-style-type: none"> Serving: Bratenahl, Cleveland 	11,208
East Cleveland	4,408
Euclid	2,192
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 	1,218
Lakewood	648
Lyndhurst <ul style="list-style-type: none"> Serving: Gates Mills, Highland Hills, Lyndhurst, Mayfield Heights, Mayfield Village, Richmond Heights 	1,007
Parma <ul style="list-style-type: none"> Serving: Broadview Heights, Brooklyn, Brooklyn Heights, Linndale, North Royalton, Parma, Parma Heights, Seven Hills 	2,271
Rocky River <ul style="list-style-type: none"> Bay Village, Fairview Park, North Olmsted, Rocky River, Westlake 	445
Shaker Heights: <ul style="list-style-type: none"> Beachwood, Bedford Heights, Hunting Valley, Pepper Pike, Shaker Heights, University Heights 	691
South Euclid	344
Cuyahoga County Total	27,900

Source: Ohio Supreme Court Ohio Courts Statistical Report, Forcible Entry and Detention, 2017.

d. 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.”⁸⁴ Zoning codes that treat 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

⁸⁴ 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).

with disabilities must be “given the opportunity to seek an exception or waiver.”⁸⁵ 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 excluding group homes from certain residential districts.

Ashtabula County:⁸⁶

- Andover Township – 600 feet
- Austinburg Township – 600 feet
- Colebrook Township– 600 feet
- Dorset Township – 600 feet
- Harpersfield Township – 600 feet
- Hartsgrove Township– 600 feet
- Kingsville Township – 600 feet
- Lenox Township– 600 feet
- New Lyme Township– 600 feet
- Orwell Township– 600 feet
- Plymouth Township – 600 feet
- Roaming Shores — 600 feet

⁸⁵ 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).

⁸⁶ Codified Ordinances of the Township of Andover § 1000.82 (June 2000). Codified Ordinances of the Township of Austinburg § 1000.82. Codified Ordinances of the Township of Colebrook § 1082. Codified Ordinances of the Township of Dorset § 1000.82. Codified Ordinances of the Township of Harpersfield § 1000.82. Codified Ordinances of the Township of Hartsgrove § 600.82 (July 1994). Codified Ordinances of the Township of Kingsville § 1000.82 (December 1994). Codified Ordinances of the Township of Lenox § 1000.82 (May 2013). Codified Ordinances of the Township of New Lyme § 1000.82 (January 2008). Codified Ordinances of the Township of Orwell § 1000.82 (1993). Codified Ordinances of the Township of Plymouth § 1082 (2004). Codified Ordinances of the Village of Roaming Shores § 1157.03 (Ord. 381-02-03. Passed 5-20-03).

Cuyahoga County:⁸⁷

- 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
- Parma Heights – 1,320 feet
- Rocky River – 1,000 feet
- Shaker Heights – 500 feet
- South Euclid – 600 feet
- University Heights – 2,000 feet

Geauga County:⁸⁸

- Bainbridge – 10,560 feet
- Burton – 2,640 feet
- Chardon – 1,000 feet
- Hambden – 10,560 feet
- Parkman – 5,280 feet

⁸⁷ Codified Ordinances of the City of Euclid § 1368.13 (Ord. 174-2008. Passed 9-2-2008). Codified Ordinances of the City of Fairview Park § 1149.14 (Ord. 89-99. Passed 4-2-1990). Codified Ordinances of Garfield Heights § 1369.03 (Ord. 82-988. Passed 11-14-88). Codified Ordinances of the City of Lakewood § 1121.11 (Ord. 91-95. Passed 10-7-1996). Codified Ordinances of the City of Lyndhurst § 1160.03 (Ord. 96-61. Passed 10-19-1998). Codified Ordinances of the City of Maple Heights § 1270.02, 1272.02, and 1274.02 (Ord. 2000-128. Passed 12-6-2000). Codified Ordinances of the City of Olmsted Falls § 1264.03 (Ord. 89-99. Passed 12-14-1999). Zoning Resolution of Olmsted Township § 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.)

⁸⁸ 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 Burton § 402.13 (As Amended 2015). Codified Ordinances of the City of Chardon § 1145.13 (Ord. 2652. Passed 4-14-11). Codified Ordinances of the Township of Hambden § 402.3 (2014). Codified Ordinances of the Township of Parkman § 402.12, Parkman Township Zoning Resolution IV-10, Effective November 15, 2012.

Lake County:⁸⁹

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

Lorain County:⁹⁰

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

Medina County:⁹¹

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

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.⁹² 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

⁸⁹ Codified Ordinances of the City of Painesville § 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 § 2012-08 (Passed 6-14-12). Codified Ordinances of the City of Willoughby Hills § 1147.08 (Ord. 2006-35. Passed 5-25-06).

⁹⁰ Codified Ordinances of the Township of Amherst § 1173.08 (8/12/10). Codified Ordinances of the City of Avon § 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 § 1240.08 (Ord. 52-99. Passed 3-22-1999). Codified Ordinances of the City of Elyria § 1137.10 (Ord. 98-176. Passed 8-3-98). Codified Ordinances of the Village of Grafton § 1287.08 (Ord. 01-014. Passed 7-17-2001). Codified Ordinances of the Village of Wellington § 1173.08.

⁹¹ Codified Ordinances of the City of Brunswick § 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 Township of Montville § 450.6 (June 24, 2004). Codified Ordinances of the City of Spencer § 410.3 (Revised December 1, 2010).

⁹² 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).

“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.⁹³ 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.”⁹⁴

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.”⁹⁵

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.⁹⁶ 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

⁹³ 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*.

⁹⁴ *Larkin v. State of Michigan Department of Social Services*, 89 F.3d 285 (6th Cir. 1996).

⁹⁵ *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.

⁹⁶ 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*.

violating their right to enjoy an equal opportunity to housing by enforcing its minimum distance requirement under FHAA.⁹⁷ 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.⁹⁸

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.⁹⁹ 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.¹⁰⁰ In two cases, minimum distance requirements were upheld because cities offered reasonable accommodations on a case-by-case basis or offered special permits waving the distance requirement.¹⁰¹

ii. Special Restrictions on Group Home Access

Two communities in Cuyahoga County place 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.¹⁰² 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 basis of race.¹⁰³ 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

⁹⁷ *Oconomowoc Residential Programs Incorporated v. City of Milwaukee*, 300 F.3d 775 (7th Cir. 2002).
Daniel R. Mandelker, "Housing Quotas for People with Disabilities: Legislating Exclusion," 939.

⁹⁸ *Children's Alliance v. City of Bellevue*, 950 F. Supp. 1491 (W.D. Washington 1997).

⁹⁹ *Familystyle of St. Paul Inc. v. City of St. Paul*, 923 F.2d 91 (8th Cir. 1991).

¹⁰⁰ *Moretha Harding, et al. v. City of Toledo*, 433 F. Supp. 2d 867 (N.D. Ohio 2007).

¹⁰¹ *Elderhaven Inc. v. City of Lubbock*, 98 F.3d 175 (5th Cir. 1996).
Mandelker, "Housing Quotas for People with Disabilities: Legislating Exclusion," 939-940.

¹⁰² 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).

¹⁰³ *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).

programs *outside the community* or employed *in the community* [emphasis added].”¹⁰⁴

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.¹⁰⁵ 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.¹⁰⁶

¹⁰⁴ Codified Ordinances of the City of Mayfield Heights, Ohio § 721.03 (Ord. 1986-31. Passed 1-12-1987).

¹⁰⁵ Codified Ordinances of the City of Strongsville, Ohio § 1252.37 (Ord. 2010-096. Passed 6-6-11.).

¹⁰⁶ 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).

The Fair Housing Center reviewed municipal ordinances in Northeast Ohio and the following municipalities bar individuals from group homes who may be protected by the Fair Housing Act:¹⁰⁷

Cuyahoga County

- 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

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 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

¹⁰⁷ 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 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 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 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.).

victim.”¹⁰⁸ 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.¹⁰⁹ 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.¹¹⁰

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:¹¹¹

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 cannot function in a community setting or who constitute a reasonably foreseeable danger to the community

¹⁰⁸ Department of Justice Office of Justice Program, “Bureau of Justice Statistics Factsheet: Profile of Nonviolent Offenders Exiting State Prisons,” (October, 2004).

¹⁰⁹ Jocelyn Fontaine and Jennifer Biess, “Housing as a Platform for Formerly Incarcerated Persons,” Washington, D.C.: Urban Institute, April 2012.

¹¹⁰ 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.

¹¹¹ 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). 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.).

- 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
- Shaker Heights – criminal offenders serving on work release or probationary programs

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 involving property in Ohio are referred to the Ohio Civil Rights Commission (OCRC) for investigation and potential resolution.¹¹²

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.¹¹³

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.¹¹⁴

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

¹¹² 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.

¹¹³ 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.

¹¹⁴ 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 1994 to 2018.¹¹⁵ The data revealed that over the 25-year period:

- On average, 141.1 complaints were filed each year in the region;
- Cases filed alleging race discrimination accounted for 28.7% of the total cases, compared to 30.3% for handicap/disability, and 19.8% for familial status;
- Complaints based on national origin accounted for 5.9% of the total, sex cases made up 6.5%, religion cases made up 2.0%, and color made up 0.9%;
- Three-quarters of the complaints (74.9%) were filed in Cuyahoga County.¹¹⁶

Table 3: Fair Housing Complaints Filed with HUD in the Region from 1994 to 2018

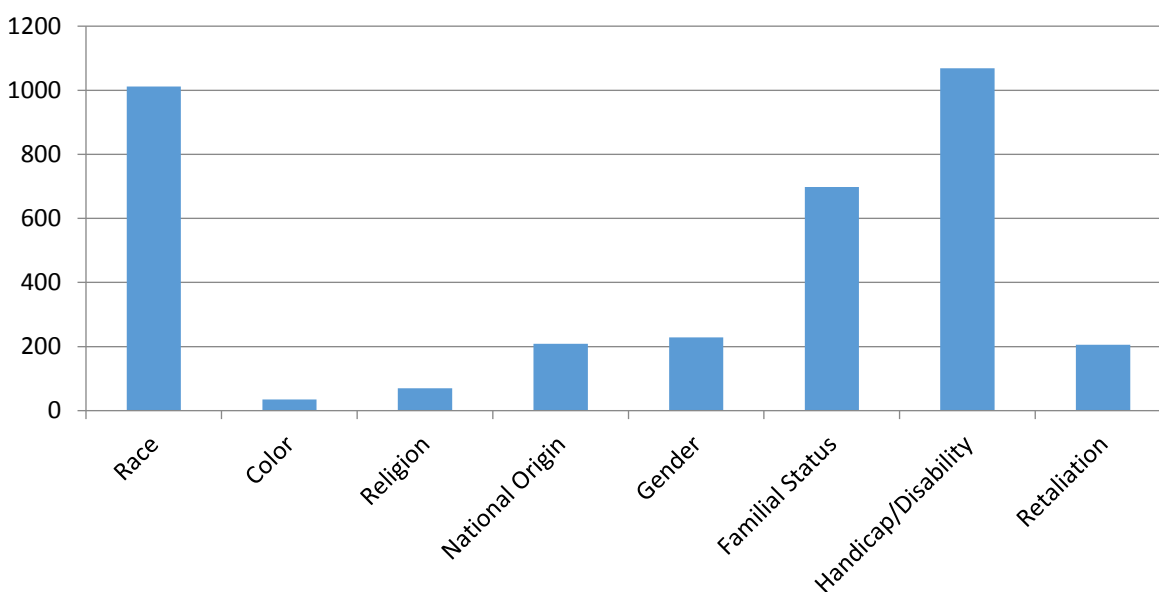
	Race	Color	Religion	National Origin	Gender	Familial Status	Handicap/ Disability	Retaliation	Total
1994	62	1	0	6	7	31	25	1	133
1995	47	1	2	2	7	22	18	1	100
1996	53	1	1	7	6	19	12	0	99
1997	28	0	1	12	1	7	19	2	70
1998	32	0	1	0	2	9	14	4	62
1999	35	1	4	2	6	14	22	6	90
2000	29	6	0	10	1	10	26	5	87
2001	17	1	2	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	26	1	1	9	10	17	52	15	131
2018	27	1	4	9	10	7	60	20	138
Total	1012	35	70	209	229	698	1069	206	3528

Source: The Fair Housing Center analysis of HUD Data

¹¹⁵ 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.

¹¹⁶ County-level data is presented in Appendix B.

Figure 1: Fair Housing Complaints Filed with HUD in the Region from 1994 to 2018



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 1994 to 2018.¹¹⁷ During the 25-year period of 1994 to 2018, 6.48 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 8.26 per 100,000 people. Lake County had the second highest incidence of fair housing complaints with 5.23 complaints per 100,000 people. Ashtabula, Lorain, and Medina Counties had incidences of complaints at 4.49, 3.53, and 3.41 per 100,000 people respectively, while Geauga County had the lowest incidence of fair housing complaints at 2.44 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.

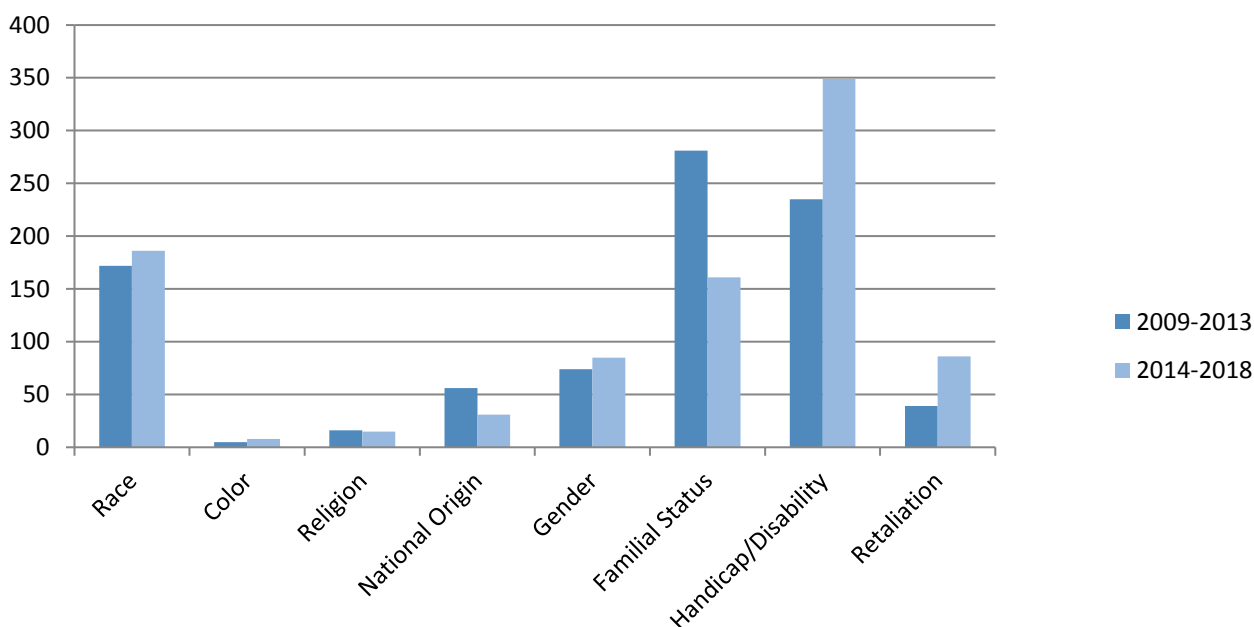
Because of the possibility that any particular year could have an unusually large or small number of complaints filed in a given category or the number of complaints per category could change over time, The Fair Housing Center examined the number of complaints filed in two five-year periods (2009-2013 and 2014-2018) 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 (2014-2018), there were 921 complaints filed with HUD, for an average of 184.2 complaints annually, an increase from 878 complaints (175.6 annually) filed in the previous five-year period (2009-2013);

¹¹⁷ County-level complaint data is presented in Appendix B.

- The most common bases of discrimination alleged in complaints filed in 2014-2018 were disability (37.9%), familial status (17.5%), and race (20.2%);
- The number of cases brought by race increased by 8.1%, from 172 filed in 2009-2013 to 186 in 2014-2018. Proportionately, complaints based on race made up 20.2% of the cases from 2014-2018, up from 19.6% in 2009-2013;
- In the last five years, the number of complaints based on disability increased 48.5% from 235 in 2009-2013 to 349 in 2014-2018;
- The number of complaints based on familial status decreased 42.7% from 281 complaints in the period 2009-2013 to 161 complaints in the 2014-2018 period;
- From 2009-2013 to 2014-2018 complaints based on color increased 60% (from 5 complaints to 8), complaints based on religion decreased by 6.25% (from 16 complaints to 15), cases based on national origin decreased by 44.6% (from 56 complaints to 31), and complaints based on gender increased by 14.9% (from 74 complaints to 85).

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 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 tests 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 for non-conformity with gender stereotypes as sex discrimination.¹¹⁸ Within Northeast Ohio currently, 23 municipalities have enacted fair housing ordinances specifically banning housing discrimination on the basis of sexual orientation and 16 have done so on the basis of gender identity.¹¹⁹ In September 2018, Cuyahoga County enacted an Anti-Discrimination Ordinance, which prohibits discrimination on the bases of sexual orientation and gender identity across all 59 municipalities, covering employment, housing, and public accommodations.¹²⁰

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.

¹¹⁸ Lenore Healy, Kris Keniray, and Michael Lepley, "Sexual Orientation and Gender Identity Housing Discrimination in Cuyahoga County," Housing Research & Advocacy Center, January 2016. Available at <http://www.thehousingcenter.org/wp-content/uploads/2016/02/LGBTQ-Housing-Discrimination-Report-Revised.pdf>

¹¹⁹ See Table 1: Local Fair Housing laws in Northeast Ohio on page 9.

¹²⁰ Codified Ordinance of Cuyahoga County, Ordinance No. 02018-009, September 25, 2018: <https://bit.ly/2Uz5iqM>
Courtney Astolfi, "Cuyahoga County Council passes anti-discrimination protections for LGBTQ community," Cleveland.com: https://www.cleveland.com/metro/2018/09/cuyahoga_county_council_passes_1.html

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 or Hispanic/Latino 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.¹²¹

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%.¹²² 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.¹²³

¹²¹ 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.

¹²² See U.S. Census Bureau, "Table 1. Population: 1790-1990," *1990 Census of Population and Housing*; U.S. Census: 2010.

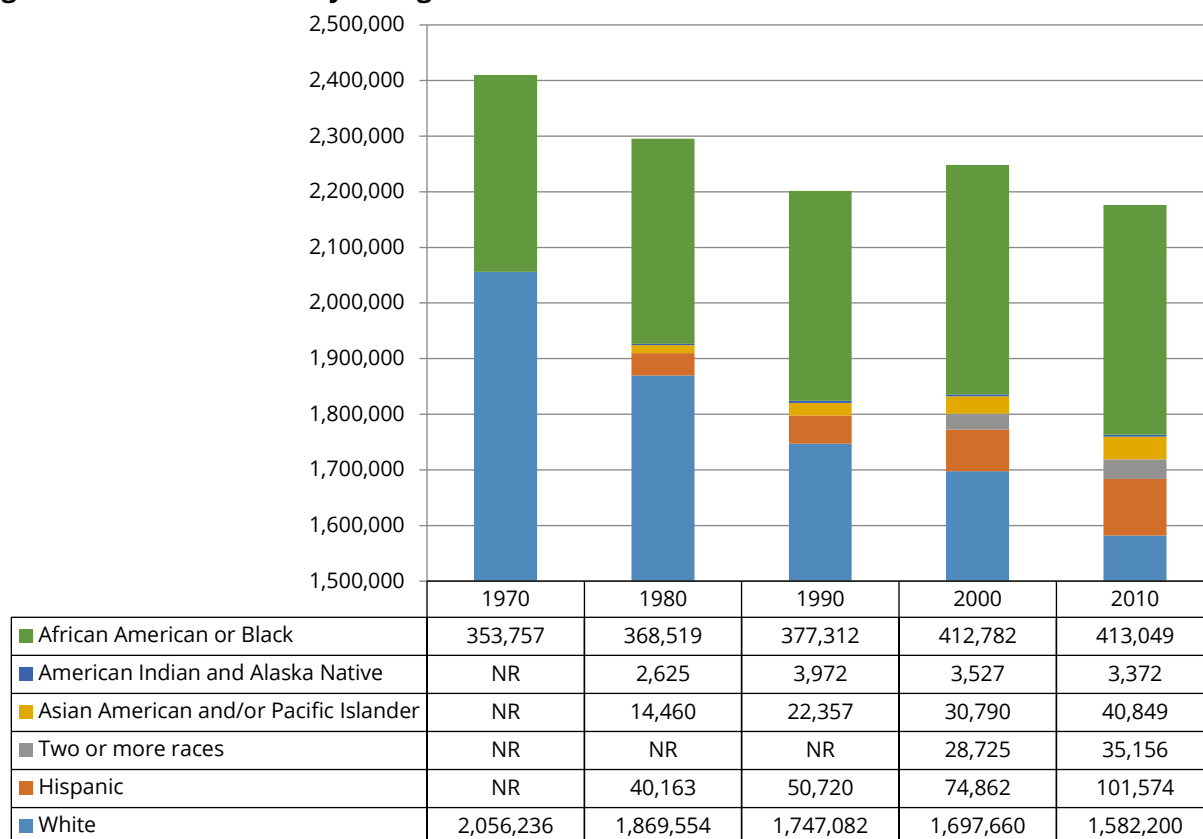
¹²³ For data sources for all tables and charts, see Appendix E.

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

Race: Over the past 25 years, 28.7% 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 3: Race and Ethnicity in Region

Source: U.S. Census

National Origin: 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.¹²⁴ 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. In the last 25 years, 19.8% of fair housing complaints were based on familial status.

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

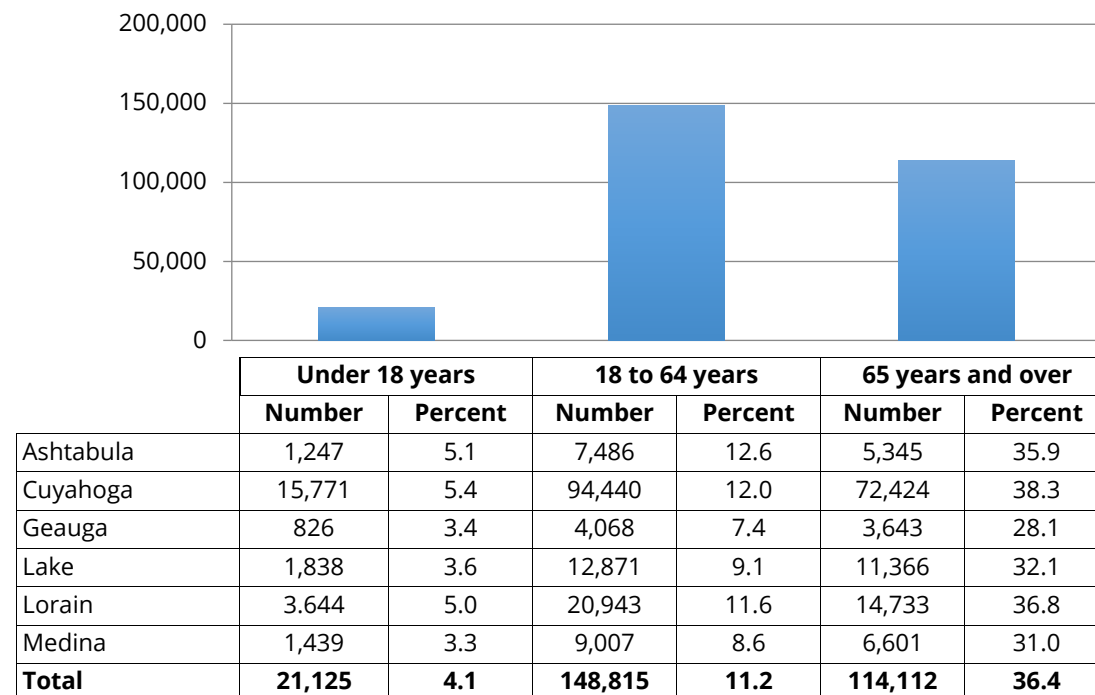
Source: U.S. Census

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. In the last 25 years, 30.3%

¹²⁴ The Fair Housing Amendment Act of 1988 became effective March 12, 1989. Pub. L. No. 100-430.

of fair housing complaints were based on disability.

Figure 4: 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 accessible 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 disabilities 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 in 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.¹²⁵

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

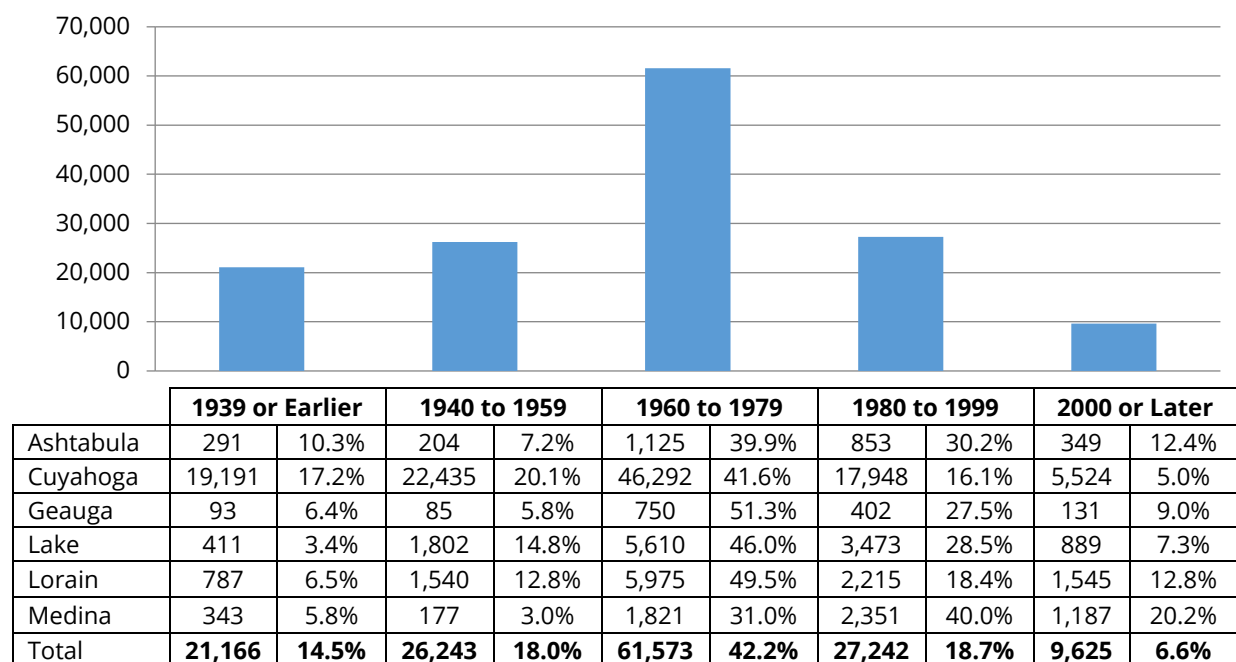
¹²⁵ For complete data see Table 15: Housing Built in Region by Decade, 2013 in Appendix E, page 64.

For further information on visitability ordinances, see: The Ability Center of Greater Toledo, *The Rights of People with Disabilities in Inclusive Neighborhoods under the Americans with Disability Act, Fair Housing Act, and Section 504 of the Rehabilitation Act*, 2017.

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



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-Lorain-Elyria Metropolitan Statistical Area (Cuyahoga, Geauga, Lake, Lorain, and Medina Counties) 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.¹²⁶

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-Elyria MSA 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 2010.¹²⁷

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.¹²⁸ 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

¹²⁶ 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.

¹²⁷ 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).

¹²⁸ US2010 Project, "Residential Segregation: Cleveland-Elyria-Mentor OH Metropolitan Statistical Area," <http://www.s4.brown.edu/us2010/segregation2010/msa.aspx?metro=17460> (accessed August 21, 2014).

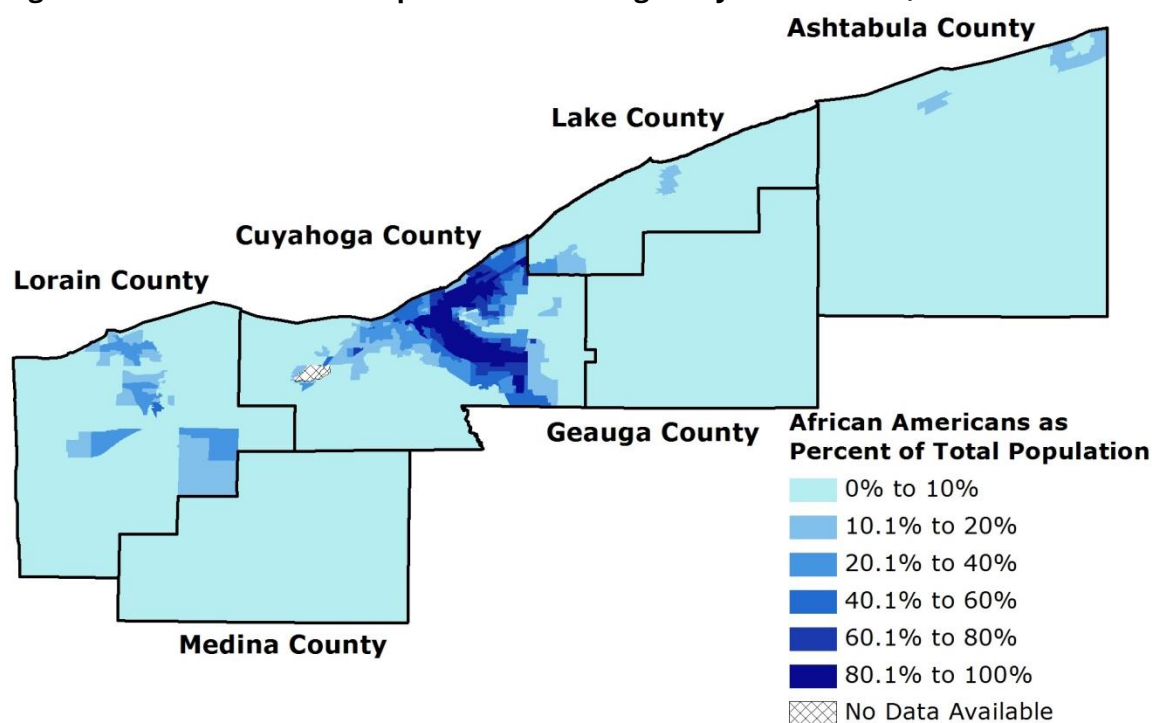
the largest population growth.¹²⁹ In fact, of the 10 most segregated large metropolitan areas in 2010, all but one (Los Angeles) are in the Northeast or Midwest.

Table 7: Residential Segregation for African Americans in Large Metropolitan Areas Ranked by Dissimilarity Index

	1990	2000	2010
Rank	MSA Name	MSA Name	MSA 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 6: 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

¹²⁹ Robert L. Smith and David Davis, “Migration Patterns Hold Back Cleveland,” *Plain Dealer*, December 30, 2002.

imposed on African American homeowners due to the decreased value of property in predominantly minority neighborhoods.¹³⁰ According to this report, the Cleveland area suffers from a “tax” of 24%, meaning that for each dollar of income, African American homeowners have 24% less in home values compared to whites with the same income. While this “tax” is not formally assessed or collected by any governmental body, the lower amount of wealth that African Americans are able to accumulate has a real effect on their wealth and the amount of money they can pass on to their children.

In the Cleveland-Elyria MSA, the 2010 Racial Dissimilarity Index score for Hispanics/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).¹³¹ 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.¹³² 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 7). 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.

¹³⁰ Rusk, David, “The ‘Segregation Tax’: The Cost of Racial Segregation to Black Homeowners,” Washington, D.C.: Brookings Institution, October 2001.

¹³¹ 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).

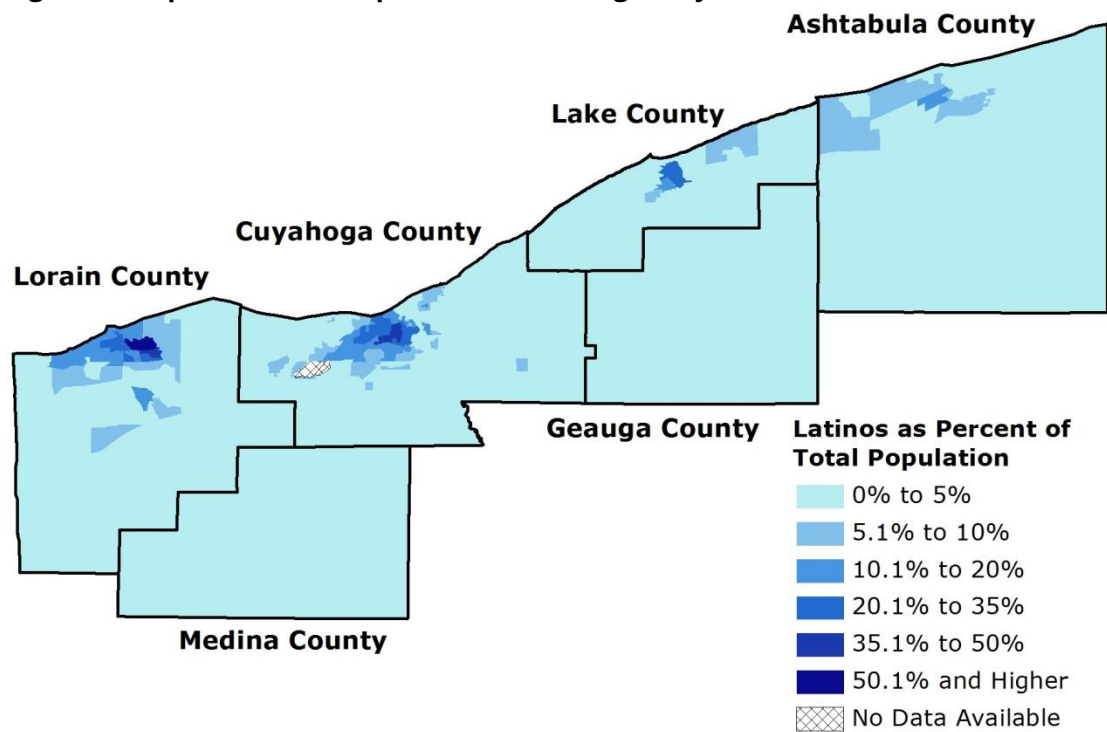
¹³² US2010 Project, “Residential Segregation: Cleveland-Elyria-Mentor OH Metropolitan Statistical Area,” <http://www.s4.brown.edu/us2010/segregation2010/msa.aspx?metro=17460> (accessed August 21, 2014).

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



Source: U.S. Census

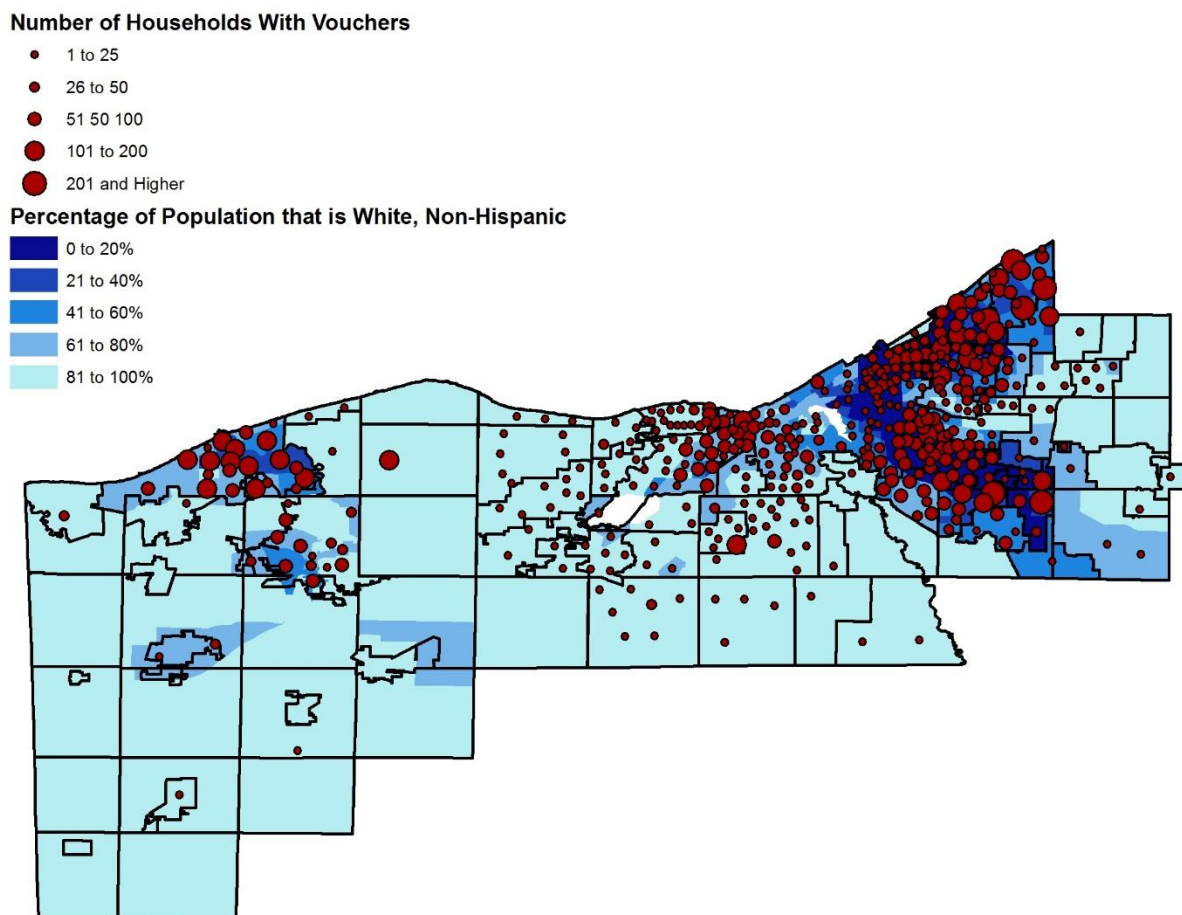
B. Housing Voucher Mobility in Cuyahoga and Lorain Counties

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.¹³³ 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 8). This research focused on Cuyahoga and Lorain Counties, but it is likely that housing voucher mobility is an issue across Northeast Ohio.

¹³³ Lenore Healy and Michael Lepley, "Housing Voucher Mobility in Cuyahoga County," Housing Research & Advocacy Center, 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," Housing Research & Advocacy Center, January 2017. Available at: <http://www.thehousingcenter.org/wp-content/uploads/2017/02/Lorain-Mobility-Report.pdf>

Figure 8: 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 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.

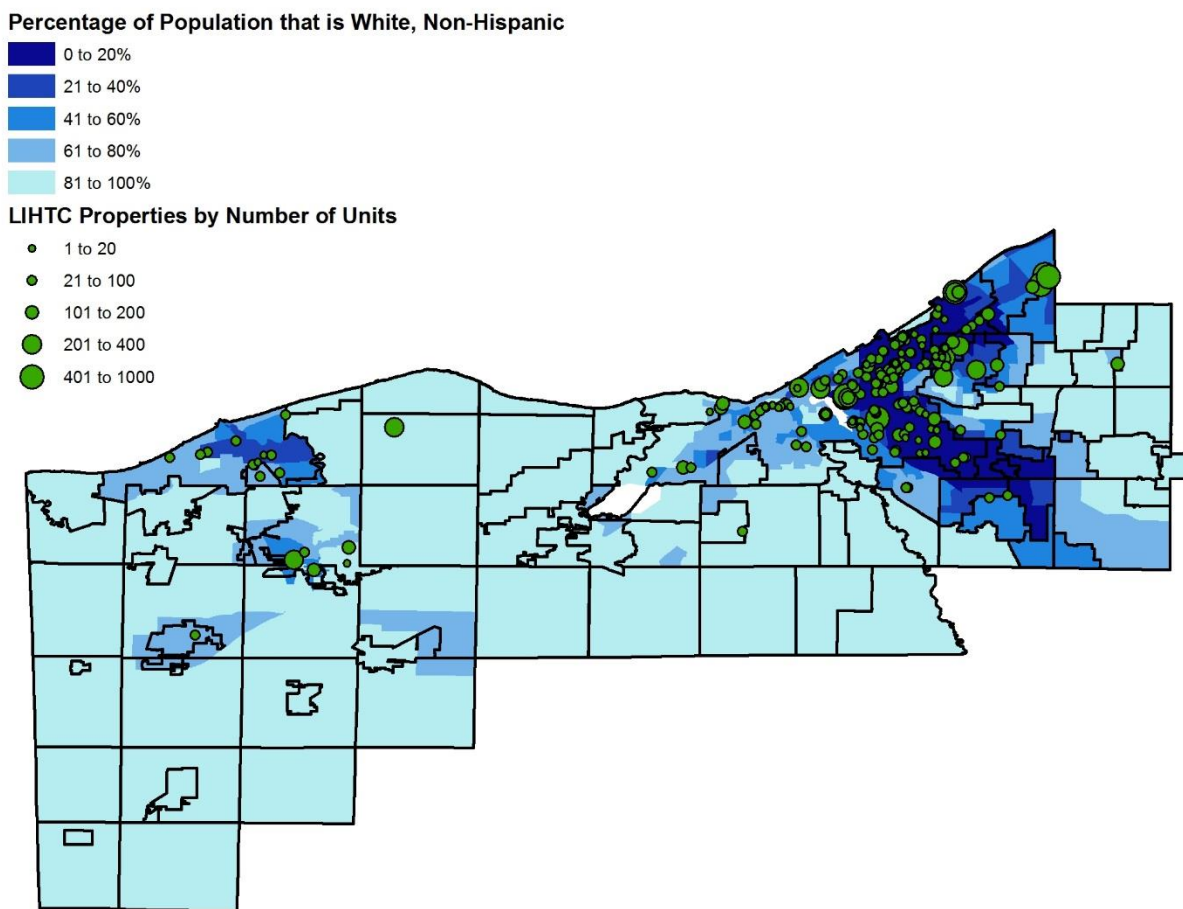
Factors that contribute to the exclusion of voucher program participants from high-opportunity areas include the Fair Market Rent and the development of low-income housing tax credit (LIHTC) properties in low-opportunity areas. Fair Market Rent determines the buying power of a voucher and is applied 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 2011.¹³⁴ 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.¹³⁵ Within both Cuyahoga and Lorain Counties, LIHTC developments are not expanding housing choice as the majority of LIHTC properties are located in areas with concentrations of racialized poverty (see Figure 9).

¹³⁴ 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.

¹³⁵ 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 9: LIHTC Properties and Racial and/or Ethnic Composition by Census Tract, 2014



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

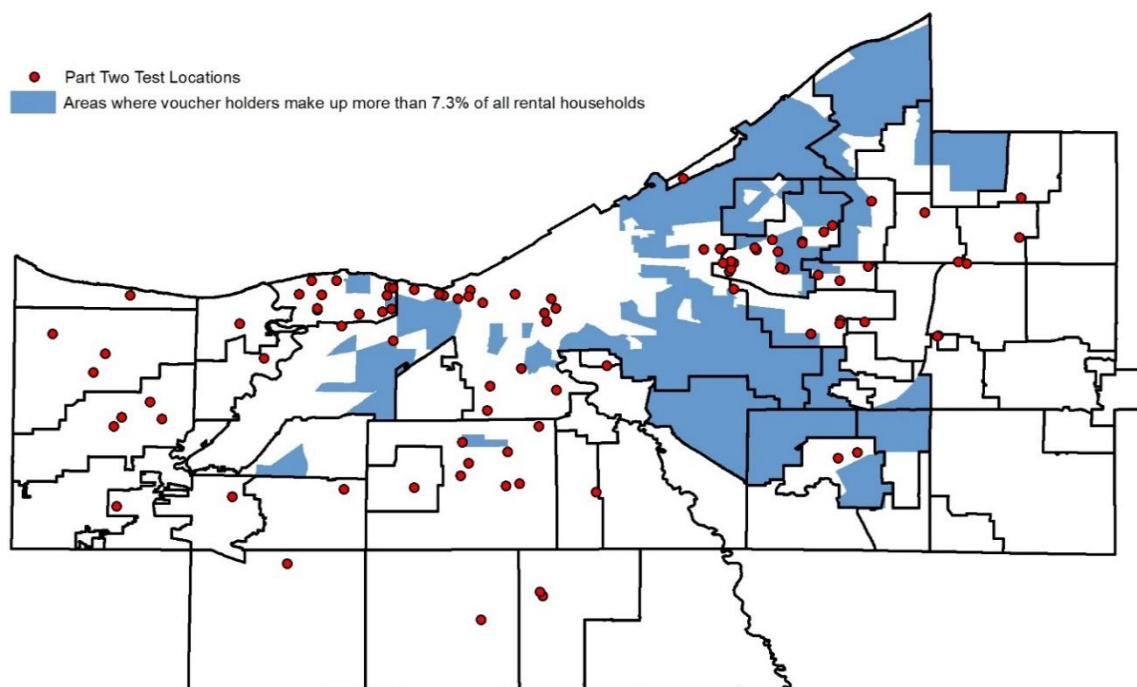
Housing providers are essential to the success of the voucher program and the mobility of participants, but voucher program participants report that landlords who refuse to accept vouchers are one of their greatest barriers to finding housing. In Cuyahoga County, more than half of landlords surveyed 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 reported 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 10). 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.

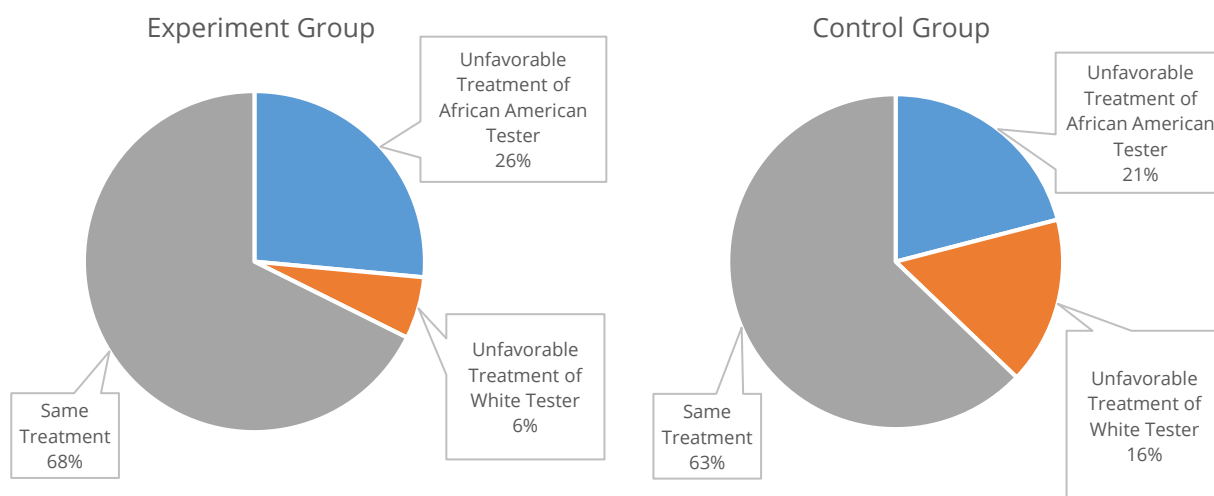
Figure 10: Location of Housing Voucher Renter Investigations and Housing Vouchers as a Percentage of All Renters in Cuyahoga County by Census Tract in 2015



(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 11).

Figure 11: Results of Part One Experiment Group and Control Group Tests



The African American testers experienced unfavorable treatment of a different nature when compared to white testers. 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.¹³⁶

¹³⁶ Michael Lepley & Lenore Mangiarelli, “Housing Voucher Discrimination and Race Discrimination in Cuyahoga County,” Housing Research & Advocacy Center, December 2017. Available at: <http://www.thehousingcenter.org/wp-content/uploads/2017/12/Voucher-and-Race-Discrimination.pdf>

VI. FAIR LENDING IN NORTHEAST OHIO

In the past, lending institutions openly engaged in discrimination against racial and ethnic minorities and in “redlining,” a practice by which individuals who wished to purchase housing 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 disclose information on mortgage lending. The following is an analysis of HDMA data for 2016 and 2017 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 home purchase or refinance loans.

Figures 12 and 13 show home purchase denial rates for individuals in the Cleveland-Elyria MSA by race and income for 2016 and 2017 respectively. African Americans were denied home purchase loans at the highest rates both years (20.1% for 2016, 18.4% in 2017), more than twice the rate of whites (7.5% in 2016, 6.9% in 2017). For each income level, lenders denied African Americans at the highest rates of all races and ethnicities. In 2016, lenders denied upper-income African Americans three times more often than upper-income whites (17.2% and 5.7% respectively) and were denied at nearly the same rates as lower income whites (15.3%). In 2017, lenders denied home purchase loans to middle and upper-income African Americans twice as much as they denied their white peers (18.7% and 6.6% for middle-income African Americans and whites, respectively; 13.6% and 4.8% for upper-income African Americans and whites, respectively).

Figure 12: Denial Rates of Home Purchase Loans, 2016

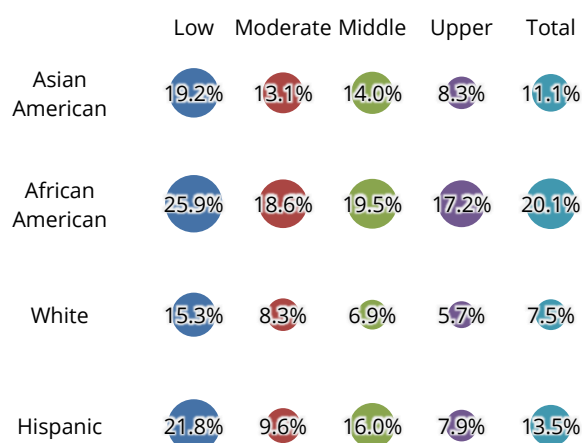
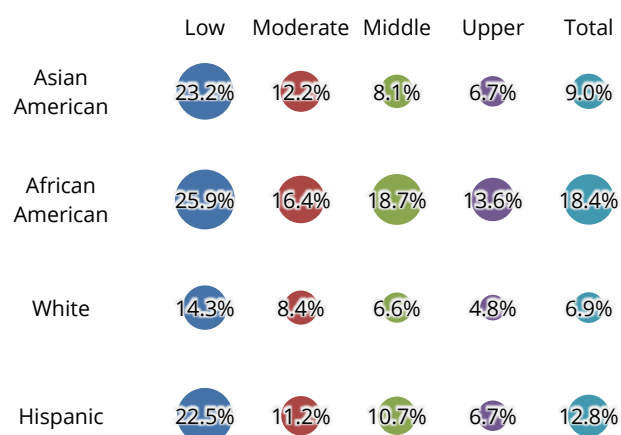


Figure 13: Denial Rates of Home Purchase Loans, 2017



(Source: 2016-2017 HDMA Data)¹³⁷

¹³⁷ See Table 16 on page 65.

Figures 14 and 15 show refinance loan denial rates for individuals in the Cleveland-Elyria MSA by race and income for 2016 and 2017 respectively. Lenders denied refinance loans to African Americans at the highest rates both years (66.0% and 56.8% respectively). In both 2016 and 2017, lenders denied African Americans seeking refinance loans twice as often as they denied white borrowers. In 2017, lenders denied refinance loans to middle and upper-income African Americans twice as much as they denied their white peers (59.8% and 44.4% for middle-income African Americans and whites, respectively; 44.4% and 19.2% for upper-income African Americans and whites, respectively).

Figure 14: Denial Rates of Refinance Loans, 2016

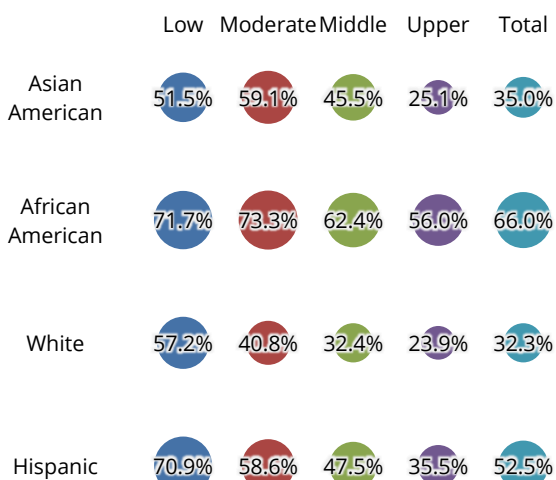
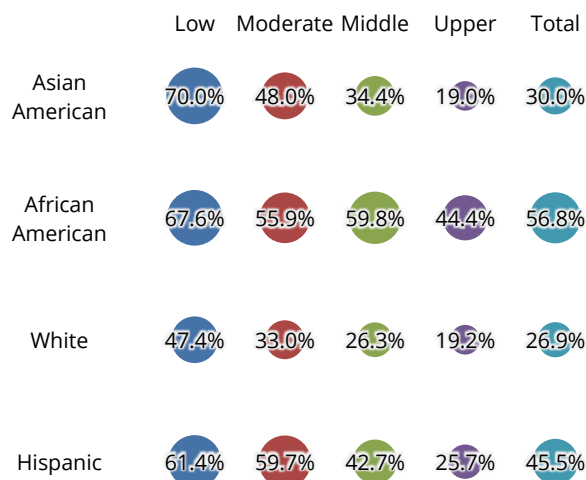


Figure 15: Denial Rates of Refinance Loans, 2017



(Source: 2016-2017 HDMA Data)¹³⁸

In 2018, the Fair Housing Center for Rights & Research released the report, “Cuyahoga County Mortgage Lending Patterns,” examining the ten largest lenders in Cuyahoga County by total dollars loaned between the years 2012 to 2016. The report shows that many lenders are making little-to-no effort to create or market products in majority-minority neighborhoods, evidenced by the lack of applications and branches in those neighborhoods. Lenders discourage minority borrowers by denying applications in majority-minority tracts at twice the rate that they deny applications in majority-white tracts.¹³⁹

¹³⁸ See Table 17 on page 65.

¹³⁹ The full report can be found here: <http://www.thehousingcenter.org/wp-content/uploads/2018/07/Cuyahoga-County-Mortgage-Lending-Patterns-2018-BEST-FOR-SCREEN.pdf>

VII. RECOMMENDATIONS

Racial and other forms of housing discrimination and segregation remain prevalent in Northeast Ohio and most of the country despite the passage of the Fair Housing Act fifty-one 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. Segregation continues to contribute to disparities in the accumulation of wealth and lost opportunities for people of color.

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, and 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.
 - Prohibit discrimination based on source of income, ensuring 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 ¹⁴⁰

A series of decisions made in the past decade 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.

¹⁴⁰ 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 local fair housing ordinances, which provide additional protected classes. The effect of these exemptions 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 of duplex, quadruplex, and single-family homes.
- 3) **Repeal local criminal activity nuisance ordinances as such ordinances penalize renters; people of color; victims of domestic violence, dating violence, stalking, or sexual assault; and 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) **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. Eliminate blanket exclusions on people with criminal histories and allow group home administrators to decide whether or not a resident poses a health or safety threat to other residents on a case-by-case basis.
- 6) **Create a Housing Voucher mobility program to encourage and assist housing voucher participants to move to high opportunity neighborhoods to deconcentrate voucher households and support residential integration.** 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 with rental properties in high opportunity neighborhoods should be recruited to participate in the program.
- 7) **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 low-income tenants in Cuyahoga County.
- 8) **Enforce fair housing laws more vigorously to “affirmatively further fair housing.”** While having

strong laws is important, without vigorous enforcement, housing discrimination will continue.

Housing discrimination is not always easy to detect. Discrimination now often occurs in more subtle forms than before, such as 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.”¹⁴¹ 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 effect for 28 years, but new housing is still being built in violation of these provisions. Governments at all levels must ensure that these requirements are complied with to ensure that the region’s housing stock becomes more accessible.

- 9) **Support and adequately fund the Consumer Financial Protection Bureau to protect the public from abusive and unfair financial products and services.** The CFPB was designed to promote financial education for consumers; supervise banks, credit unions, and financial companies; enforce federal consumer protection laws; and research consumer behavior. The 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.¹⁴² The Fair Housing Center supports the efforts of the CFPB to expand the categories of data reported through the Home Mortgage Disclosure Act (HMDA).

¹⁴¹ 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).

¹⁴² Michael Lepley and Lenore Mangiarelli, “Cuyahoga County Mortgage Lending Patterns,” Fair Housing Center for Rights & Research, July 2018. Available at: <http://www.thehousingcenter.org/wp-content/uploads/2018/07/Cuyahoga-County-Mortgage-Lending-Patterns-2018-BEST-FOR-SCREEN.pdf>

- 10) **Devote increased resources to educating housing providers and professionals, as well as the public at large, regarding fair housing laws.** While most individuals likely know that discrimination based on race or religion in housing is illegal, some housing providers are still unaware that discrimination based on familial status and handicap/disability are prohibited. The Fair Housing Center continues to uncover new multi-family housing that does not comply with federal and state accessibility requirements.¹⁴³ Additionally, many victims of housing discrimination are unaware of their rights under federal, state, and especially local laws and of the procedures they may use to vindicate those rights. Increased resources should be devoted to education on fair housing laws and procedures.
- 11) **Provide government incentives to help achieve housing integration.** Fifty-one years after the passage of the Fair Housing Act, we continue to live in a region that is highly segregated, particularly for African Americans. At the current rate of “progress,” it will take decades for the region to become integrated. Governments should develop creative mechanisms to help address housing discrimination, possibly including the use of financial incentives for individuals making diversifying moves. For example, tax incentives, such as a state tax credit, or down payment assistance could be offered to individuals who make a racially diversifying move.
- Local land use codes and regulations must be examined and revised to ensure 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.
- 12) **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 reported housing discrimination complaints as well as monitor for fair housing compliance through testing programs.¹⁴⁴

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.

¹⁴³ 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/>

¹⁴⁴ 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, 2016-2017

Income	Low		Moderate		Middle		Upper		Total	
2016	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications
Asian	10	52	13	99	14	100	27	325	64	576
Black	116	448	160	861	102	523	62	360	440	2192
White	272	1780	403	4827	351	5056	495	8726	1521	20389
Hispanic	53	243	28	292	29	181	19	242	129	958
2017										
Asian	13	56	14	115	11	136	30	446	68	753
Black	121	467	157	960	115	614	53	389	446	2430
White	242	1694	429	5083	360	5454	432	9088	1463	21319
Hispanic	62	276	33	294	26	244	18	268	139	1082

Source: 2016-2017 HDMA Data

Table 17: Refinance Loan Denials for Cleveland MSA, 2016-2017

Income	Low		Moderate		Middle		Upper		Total	
2016	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications	Denials	All Applications
Asian	17	33	26	44	27	55	55	219	125	351
Black	306	427	351	479	279	447	239	427	1175	1780
White	1181	2065	1434	3514	1539	4750	2307	9666	6461	19995
Hispanic	90	127	102	174	75	158	54	152	321	611
2017										
Asian	14	20	12	25	11	32	24	126	61	203
Black	198	293	266	476	222	371	136	306	822	1446
White	659	1389	932	2825	882	3357	1090	5673	3563	13244
Hispanic	51	83	83	139	56	131	38	148	228	501

Source: 2016-2017 HDMA Data

Appendix B: Fair Housing Complaint Data by County

Table 18: Fair Housing Complaints Filed in Ashtabula County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	1	0	0	0	0	1	8	0	10
2018	1	0	0	0	0	1	2	0	4
Total	21	0	0	1	2	16	72	2	114

Table 19: Fair Housing Complaints Filed in Cuyahoga County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	19	1	0	8	5	12	34	11	90
2018	24	1	4	8	9	6	49	19	120
Total	833	28	59	175	177	519	694	158	2643

Table 20: Fair Housing Complaints Filed in Geauga County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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
2018	1	0	0	1	1	0	0	0	3
Total	14	0	1	1	4	8	23	6	57

Table 21: Fair Housing Complaints Filed in Lake County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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
2018	0	0	0	0	0	0	5	1	6
Total	55	4	1	14	16	54	149	8	301

Table 22: Fair Housing Complaints Filed in Lorain County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	2	2	4	3	15
2018	1	0	0	0	0	0	1	0	2
Total	67	3	8	16	20	54	72	26	266

Table 23: Fair Housing Complaints Filed in Medina County

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	1	10
2018	0	0	0	0	0	0	3	0	3
Total	22	0	1	2	10	47	59	6	147

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 concern regarding jurisdiction or equal protection under state law in such an arrangement.¹⁴⁵ 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. 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.

¹⁴⁵ 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.¹⁴⁶

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.¹⁴⁷ 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.¹⁴⁸ 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 of discrimination based on these

¹⁴⁶ 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).

¹⁴⁷ U.S. Department of Housing and Urban Development and U.S. Census Bureau, Current Housing Reports, Series H170/04-05, "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>.

¹⁴⁸ 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.

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.

Figure 3: 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 4: U.S. Census Bureau, Selected Social Characteristics, American Community Survey 3-Year Estimates: 2008-2010.

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

Figures 6-7: U.S. Census Bureau, Hispanic or Latino Origin by Race, American Community Survey 5-Year Estimates, 2006-2010.

Figure 8: 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 9: 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 10: 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 11: Compiled by Fair Housing Center for Rights & Research.

Figure 12-15: Tables 16-19: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act Peer Mortgage Data, 2016-2017.

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 2017.

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.censusscope.org/2010Census/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, 2016-2017.

Tables 18-23: 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.

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