



**Fair Housing Center  
for Rights & Research**

# **THE STATE OF FAIR HOUSING IN NORTHEAST OHIO**

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# ACKNOWLEDGEMENTS

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## ABOUT FAIR HOUSING CENTER FOR RIGHTS & RESEARCH

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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.

## ABOUT THE AUTHOR

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# INTRODUCTION

Despite the passage of the Fair Housing Act fifty-four years ago, housing discrimination and segregation remain prevalent in Northeast Ohio and most of the country. 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. In recent years, federal and state protections have eroded. 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 the equity in their homes. The racialized forms of inequality and unequal access associated with redlining still persist and impact the life outcomes of Black, Indigenous, and other people of color (BIPOC) communities throughout Northeast Ohio.

Housing segregation and discrimination in housing left Black and Latinx communities more vulnerable to the social, economic, and detrimental health impacts of the COVID-19 pandemic, exacerbating long standing inequities in income and access to affordable, stable housing. Before the COVID-19 pandemic, half of all renters contributed at least 30 to 50 percent of their household income toward housing costs (Joint Center for Housing Studies Harvard, 2022). People of color make up the largest percentage of all cost-burdened renters, which disproportionately puts them at risk of eviction for missing rent payments. Other research illustrates that evictions are more likely to occur in low-income, communities of color and disproportionately impact BIPOC renters (Greenberg, D., Gershenson, C.E., Desmond, M. 2016). Despite receiving support from the federal government, economic hardship persisted with renters of color facing the greatest level of hardship (Center on Budget and Policy Priorities, 2022). These trends are structured by and perpetuate the historical legacy and deleterious impacts of redlining and housing discrimination.

Simply returning to pre-pandemic normalcy will help longstanding inequities in housing not only persist but grow. National policy efforts to Affirmatively Further Fair Housing and increased calls for social justice across the nation and throughout Northeast Ohio provide a mandate to take progressive steps to fulfill the dual mandate of the Fair Housing Act. This report outlines several areas in which our region has significant work to do to affirmatively further fair housing. Other research has highlighted the dire need for significant governmental interventions to open more housing opportunities for lower-income residents, increase protections for renters, ensure all tenants have access to safe housing infrastructure, and address the historical and continued impacts of redlining on the lives of BIPOC communities throughout Northeast Ohio (Richter, F. G.-C., Urban, A.H., Coluton, C., Steh, S., Chan, T., 2019; Vacant and Abandoned Property Action Council, 2022).

Massey (2005) astutely asserts, “Racial discrimination is a moving target. One cannot simply ban prevailing discriminatory practices and declare the struggle for racial equality won. Given the historical depth and institutionalized longevity of racism in the United States, it is logical to assume that new mechanisms of racial subordination will be invented as others are eliminated. Under these circumstances, ending racial discrimination in the U.S. housing markets is likely to require a sustained and dedicated effort over a prolonged period of time” (pp. 148-149). To eliminate the current manifestations of racial discrimination in Northeast Ohio housing markets and address the historical impacts of redlining in the region, a combination of steps need to be taken. There are concrete steps that government officials and others can take that will have an immediate and positive impact on the state of fair housing in the region.

This report outlines several areas in which our region has significant work to do to affirmatively further fair housing. After providing a summary of local ordinances and other factors impacting the state of fair housing in Northeast Ohio, we provide several recommendations government officials, non-profit providers, and housing advocates can take to positively impact the state of fair housing and address longstanding, persistent, and exacerbating inequalities.

# PAST RESEARCH

The Fair Housing Center for Rights & Research publishes research that examines fair housing and fair lending trends in the State of Ohio and Northeast Ohio, racial and ethnic disparities in mortgage lending, and other topics in fair housing such as exclusionary zoning. Those reports guide our assessment of the state of fair housing in Northeast Ohio. Below is a list of the research completed by the Fair Housing Center that inform our assessment of the state of fair housing in Northeast Ohio and the recommendations forwarded in this report:

[Exclusionary Zoning in Cuyahoga County, Part II: School Districts and Group Homes 2021](#)

[State of Fair Housing in Northeast Ohio: 2021](#)

[Exclusionary Zoning in Cuyahoga County - 2020](#)

[Domestic Violence Survivor Housing Discrimination in Cuyahoga County- 2019](#)

[Cuyahoga County Mortgage Lending Patterns - 2018](#)

[Housing Voucher Discrimination and Race Discrimination in Cuyahoga County- 2017](#)

[Housing Voucher Mobility in Lorain County -2017](#)

[Sexual Orientation and Gender Identity Discrimination in Cuyahoga County -2016](#)

# EXECUTIVE SUMMARY

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Housing discrimination remains a problem in Northeast Ohio and throughout the United States. The level of discrimination that exists today, as well as the segregated living patterns of our region, result from 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 (Rothstein, 2018). The historical legacy of colonialism, institutional racism, redlining, and predatory lending, compounded a myriad of current policies and practices, create various forms of stratification that directly impact where people live, what public amenities they can access, their exposure to environmental hazards, and their overall quality and length of life (Fullilove and Wallace, 2011; Taylor, 2019).

This report is The Fair Housing Center's sixteenth annual comprehensive survey of fair housing for Ashtabula, Cuyahoga, Geauga, Lake, Lorain, and Medina Counties. Informed by our own analysis and other research about housing trends in Northeast Ohio and across the United States, the report finds that 54 years after the passage of the Fair Housing Act discrimination remains wide spread and current policies and practices create uneven geographies of opportunity. Succinctly, we have yet to fulfill the promises of the Fair Housing Act in Northeast Ohio. However, there are immediate steps government officials, private businesses, and residents can take to address the current state of fair housing and life outcomes in Northeast Ohio. The following are some of the key findings of the report.

## **Unclear Future for Local Fair Housing Planning**

The Fair Housing Act obligates the federal government to dismantle historic patterns of racial segregation. This obligation is known as Affirmatively Furthering Fair Housing (AFFH). HUD uses its programs to take affirmative steps to AFFH by requiring certain program participants to certify that they are addressing historic housing inequality in their uses of community development grants and housing subsidies. Under the 2021 Interim Final Rule: Restoring Affirmatively Furthering Fair Housing Definitions and Certifications, HUD requires program participants to certify annually that they comply with AFFH. Past reporting mechanisms for demonstrating participants are following HUD rules are currently optional, including the Analysis of Impediments to Fair Housing Choice (used from 1996 to 2016) and the Assessment of Fair Housing (used from 2016 to 2017). HUD offers technical support to jurisdictions wishing to engage in fair housing planning. Additionally, reports about appraisal discrimination have brought the attention of the Consumer Financial Protection Bureau and Department of Justice to strengthen oversight of potentially racist automated models and discrimination and bias in appraisals. These trends illustrate there is some movement at the federal level to create more accountability and oversight of industry practices that perpetuate disparate outcomes in accessing housing; however, how these will shape local fair housing planning and policy is unclear.

## **Ohio Fair Housing Protections have Eroded**

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 accessible design and construction requirements for new, multi-family 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, both of which are required under federal fair housing law. 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.



## **The Rise of Investor Activity in Residential Real Estate Threatens to Undermine Housing Conditions, Market Stability, and Home Values**

A study of local investor behavior between 2004 and 2020 by the Vacant and Abandoned Property Action Council (VAPAC) demonstrated a dramatic rise in the purchasing activities of investors in Cuyahoga County real estate market, with the percentage of properties acquired by investors nearly tripling during the time period. The analysis revealed that investors disproportionately targeted the east side of Cleveland, resulting in the rise of investor-homeownership in a housing submarket that is largely occupied by renters. VAPAC also reported that investors are pulling permits to make repairs on properties in Cleveland at a higher rate for west side owned properties compared to east owned properties. Overall, the report illustrates the rise of investor-ownership limits homeownership opportunities for residents, is leading to poor property management practices, and disparately impacts the quality of housing in predominately African American neighborhoods and in other community of color neighborhoods which are predominately concentrated on the east side of Cleveland. These practices build on the legacy of segregation, redlining, and predatory lending that have created and continue to create uneven geographies of opportunity, access to homeownership opportunities, and purchasing power for residents that investors can exploit. Policy interventions are necessary address the current imbalances in purchasing power between investors and residents, imbalances between bargaining power between landlords and tenants, and gaps in regulation and enforcement of these practices.

## **More Renter Protections are Needed throughout Northeast Ohio**

Throughout Northeast Ohio there is a need for more robust and uniform renter protections, including source of income (SOI) protections, right to counsel for evictions, pay to stay policies, emergency rent programs, longer periods for notice of rent increases, caps on rent increases, and fair chance housing legislation. To date, only a handful of communities have adopted source of income protections in their local ordinances, protecting renters from discrimination based on how they will pay their rent (including rental assistance and vouchers). In addition to legislative change at the local level, the community could take efforts to create a larger tenant union to advocate for expanding tenant rights, creating greater oversight of negligent and discriminatory landlord behavior, and advocating for more affordable housing options for all residents to access.

## **Eviction Protections Work For Everyone**

Due to decreasing housing affordability coupled with socio-economic strain connected to the COVID-19 Pandemic and slow wage increases, a number of renters and homeowners are more susceptible to facing eviction. These factors could drive evictions to increase dramatically throughout the next year. Some jurisdictions across Northeast Ohio have taken steps to increase eviction protections, however, there are many localities who do not have specified ordinances to expand protections for tenants facing eviction or for mediating landlord-tenant disputes. One program that is working in Northeast Ohio is Cleveland's right to counsel ordinance. Right to counsel is a legal right for tenants in Cleveland with one or more children living at or below the federal poverty line facing eviction to receive access to free legal help through a partnership between The Legal Aid Society of Cleveland and the United Way of Greater Cleveland. The program has helped 93% of its clients to avoid an eviction judgment or involuntarily move, assisted 83% of clients who desired rental assistance to obtain it, and led to between \$1.8 and \$1.9 million dollars in government savings through the first year of the program (Stout Risius Ross, 2022). This program can be expanded to cover more individuals, additional rent assistance programs could be enacted to help mitigate the proliferation of evictions, and more legislation could be passed to seal records for those who have gone through eviction proceedings or faced eviction.

## **Mortgage Lenders Deny Loans to People of Color at Higher Rates and Make Few loans in Communities of Color**

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

## **Current Laws Contribute to Segregation by Allowing Landlords to Discriminate Against Housing Choice Voucher Recipients**

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 Housing Choice Vouchers (HCVs) 91% of the time. Landlords who advertise "no Section 8" are more likely to discriminate against Black renters. It is possible that some landlords refuse to take HCVs as a legal proxy for refusing to rent to Black renters.

## **Cities in Northeast Ohio have Adopted Criminal Activity Nuisance Ordinances (CANOs) which are Disproportionately Enforced Against 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 take 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 can 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.

## **Burdensome Group Home Regulations Exclude People with Disabilities from Cities, Municipalities, and Other Local Geographies throughout Northeast Ohio**

Many municipalities 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 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 potentially violate the Fair Housing Act.

## **Credit Scoring Systems Promote Discrimination in Lending and Housing**

The expanded use of credit scoring systems to screen tenants, loan and mortgage applicants, and potential homebuyers disparately impacts communities of color (Rice, L. and Swesnik, D., 2012). Redlining and predatory lending created a dual-credit system, which our current credit scoring system is built upon and perpetuates. Due to the racial bias of the currently existing financial and lending institutions, blanket bans on tenants based on credit rating could potentially violate the Fair Housing Act.

# RECOMMENDATIONS

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This section outlines our recommendations for positively impacting the state of fair housing in Northeast Ohio. Our review of housing ordinances, in combination with our past research and review of other research about housing trends locally and nationally, illustrate that our region has failed to address the historical impacts of redlining and predatory lending, and have yet to accomplish the goals of the Fair Housing Act in Northeast Ohio. Currently, discrimination in housing and segregated living patterns persists; fair housing laws need to be strengthened; there is uneven access to high quality housing and loans; and there is a growing affordability and looming eviction crisis that will continue to exacerbate existing forms of inequality in the region. There are concrete steps government officials and others can take. To address these issues and affirmatively further fair housing, the Fair Housing Center for Rights & Research recommends the following:

## **1) Structure local and regional approaches to creating equitable access to housing around addressing the lasting impacts of redlining and predatory lending on BIPOC communities.**

The Fair Housing Act was passed to end housing discrimination and dismantle segregated living patterns. Redlining was one of the main policy tools utilized to create sustained segregated living patterns in the United States, cutting off low-income and neighborhoods of color from lending and investment. This practice contributes to the persistence of the racial wealth gap between white and BIPOC communities and disparate life outcomes. Redlining not only buttressed the segregated structure of American society, but prepared the ground for various types of predatory lending practices that disproportionately target BIPOC communities, while also helping cultivate uneven geographies of exposure to environmental hazards and access to high quality schools.

Addressing the pernicious impacts of redlining requires taking an intentional, sustained, multi-pronged approach that combines targeting high-poverty neighborhoods for investment, while also implementing a set of complementary preservation strategies to help prevent displacement (Powell and Menedian, 2018). Many of the policy recommendations below provide an approach to addressing the impacts of redlining, dismantling discrimination in housing, and ensuring equitable access to housing and opportunity. There is no panacea — addressing the historical impacts of housing discrimination and its current manifestations requires robustly implementing a variety of policies that strengthen renter rights, creating more stringent oversight and enforcement mechanisms for fair housing violations, change the regulatory framework to incentivize the development of high-quality, low-cost housing, and lay the groundwork for individuals from marginalized communities to have equitable access to home-ownership opportunities throughout the entire region.

## **2) Conform local ordinances to Ohio law and eliminate exemptions for small housing providers.**

The single-family home and Mrs. Murphy exemptions, which are not afforded by Ohio fair housing law, appear in a number of local fair housing ordinances that 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 (such as age or source of income). Jurisdictions that amend their ordinances to 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 2 to 4 unit properties.

### 3) Strengthen fair housing laws.

Federal, state, and 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 the source of income, ensuring that individuals who use housing subsidies (including “Housing Choice Vouchers”) or rental assistance are not discriminated against on that basis.
- Adopt state and local visitability ordinances enabling person with physical disabilities to visit property. Visitability ensures a person in a wheelchair can enter the home and access a usable bathroom on the ground floor without encountering steps, narrow doors, or other inaccessible features.
- Limit housing providers' consideration of certain criminal records by enacting fair chance housing protections in connection with a housing transaction.

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 complaints and enforce fair housing law 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.

### 4) 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 people with disabilities.

Local criminal nuisance activity ordinances (CANOs) can disproportionately negatively impact renters, people of color, victims of domestic violence, and people with disabilities. Nuisance ordinances penalize both the property owner and the tenant household 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 property owner when the property is rented. Abatement often equates to eviction of the tenant household.

## **5) 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 "Black sounding" names, 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. Systemic and structural racism in America result in Black and Latinx persons being arrested, convicted, and incarcerated at rates disproportionate to their share of the population. As a result, criminal background screening by housing providers disproportionately impacts Black and Latinx applicants for housing. Immigrants and individuals with limited English proficiency experience discrimination based upon national origin questions.

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.” Local and county governments throughout the region can do more to meet their obligations under the law, such as annually conducting an analysis of impediments to fair housing and continually working to identify impediments to fair housing in their community.

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 newly constructed multi-family housing have been in effect for over 30 years, but new housing is still being built that does not comply with these provisions. Governments at all levels must ensure that building plans comply with these provisions to increase inaccessible housing opportunities within the region’s housing stock.

## **6) Expand federal, state, and local protections for 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. Locally, the City of Brooklyn has taken steps to protect victims of domestic violence in housing by allowing survivors to terminate leases, be removed as cosigners, or remove another cosigner after the issuance of a protection order, and prohibiting property owners from evicting survivors after instances of domestic violence.



## 7) Increase overall renter rights.

A host of factors and trends in rental markets nationally call for local and state level policy makers to take steps to immediately enact legislation that increases renter rights and protections, while also taking steps to increase the supply of affordable, accessible housing. Although there is new construction occurring, the supply of low-cost units is constrained by zoning and density restrictions, as well as the rising costs of construction. Collectively, this incentivizes developers to build housing that serves the upper end of the market (Joint Center for Housing, 2022). Developers simply do not have incentives or requirements to make any portion of or new development affordable. The majority of "affordable housing" is being developed in areas of high poverty, which is promoting segregation.

While the supply of affordable housing options is constrained, many low-income renters are considered housing cost burdened - spending more than 30% of their income on housing - with renters of color being cost burdened more severely and at higher rates than their white counterparts. Locally, the percentage of properties acquired by investors in Cleveland has tripled between 2004 and 2020, leading to a rise in investor-ownership throughout the city which limits homeownership opportunities for Cleveland residents. The lack of supply of affordable housing units and imbalance of purchasing power between investors and residents pushes the need for policy to create, support, and facilitate owner-occupant home purchase opportunities, encourage the development of low-cost housing, utilizing the land bank system to create other forms of shared equity housing opportunities, and to eliminate exclusionary zoning policies.

Next, landlord-tenant relationships are informed by a variety of federal, state, and local laws which create different policy contexts for each party to navigate (Hatch, 2017). Across Northeast Ohio, there are insufficient protections for renters. This results in inequitable access to housing, inequity in housing stability, and inequitable access to community resources based upon the location of one's housing throughout the region. To address these concerns, the Fair Housing Center recommends:

- Enacting local ordinances and funding for "right to counsel", "source of income protection", "pay to stay protections".
- Enacting legislation for "first-in-time" protections which require housing providers to provide prospective tenants with the eligibility requirements and screening criteria utilized to evaluate applicants, and offer tenancy to the first qualified applicant who provides a completed application.
- Amending existing fair housing ordinances to prohibit discrimination based on past or present condition of being unhoused.
- Enacting state level legislation for sealing eviction records and amending existing local level legislation to shorten the length of time an eviction is made public.
- Enacting fair chance housing legislation, which specifies when considering criminal history during the tenant screening process, all housing providers perform an individualized review of each applicant that considers the totality of the circumstances for each applicant.
- Introducing legislation to cap on rent increases and 90-day notices of intent to increase rent on a unit.



- Repealing restrictions and blanket bans on individuals with criminal records and group home restrictions that exclude supportive housing programs for formerly incarcerated adults and juveniles and individuals in substance abuse programs.
- Increasing funding for and promoting tenant-landlord mediation programs to resolve disputes outside of court.
- Eliminating blanket bans of potential tenants with lower credit scores and including credit score as a tenant protection.

## **8) Remove all restrictive language in group home zoning ordinances.**

The Fair Housing Center recommends jurisdictions remove minimum distance requirements for group homes and have all zoning department and committee staff receive additional training on reasonable accommodations in housing law. 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 of people with criminal records.

## **9) Encourage the Ohio Housing Finance Agency to prioritize high-opportunity neighborhoods when awarding Low Income Housing Tax Credits.**

Low Income Housing Tax Credit (LIHTC) development is not being effectively leveraged to decrease racial and economic segregation in Ohio. Incentivizing the siting of future LIHTC properties, particularly those to be occupied by families in high-opportunity neighborhoods will expand housing choice for low-income tenants in Ohio.

## **10) Support and adequately fund the Consumer Financial Protection Bureau (CFPB) to protect the public from abusive and unfair financial products and services.**

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.<sup>(143)</sup> The Fair Housing Center supports the efforts of the CFPB to expand the categories of data reported through the Home Mortgage Disclosure Act (HMDA).

## **11) 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 disability is prohibited. The Fair Housing Center continues to uncover new multi-family housing that does not comply with federal and state accessibility requirements. Additionally, many victims of housing discrimination are unaware of their rights under federal, state, and especially local laws and of the avenues available to enforce those rights. Increased resources should be devoted to education on fair housing laws and complaint procedures.

## **12) Provide government incentives to facilitate housing integration.**

Fifty-four years after the passage of the Fair Housing Act, we continue to live in a region that is highly segregated, particularly for African Americans. At the current rate of “progress,” it will take decades for the region to become integrated. Governments should develop creative mechanisms to help address housing discrimination, possibly including the use of financial incentives for individuals making diversifying moves. For example, tax incentives, such as a state tax credit 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.

## **13) 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 and monitor for fair housing compliance through testing programs.

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 the 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.

## **14) Ensure responsible investment activity through following the policy recommendations outlined in Vacant and Abandoned Property Action Council's 2022 report, "The Impact of Real Estate Investor Activity on Cuyahoga County, Ohio Housing Market 2004-2020".**

- Modernize code enforcement to combat investors intentionally eluding accountability.
- Empower Municipal Law Departments to aggressively pursue and prosecute problem owners.
- Allocate financial and material resources to existing departments and programs which further policy preferences for homeownership and keeping locally controlled rental properties in good repair.
- Correct the imbalances of bargaining power between landlords and tenants.
- Collaborate across departments, administrative boundaries, and levels of government to streamline code enforcement processes.

## **15) Address the gap between renters' wages and the cost of rental housing through increasing the minimum wage in the region.**

Renters earning low incomes or living on fixed incomes face tremendous economic challenges affording housing- even in lower ends of the market. Nationally, 36 percent of all renters make less than \$30,000 per year. Nearly half of all Black renters make less than \$30,000 per year, compared to 33% of all white renters and 34% of all Latinx renters earning less than \$30,000 per year (Joint Center for Housing Studies, 2022).

Ensuring and creating equitable access to housing requires not only subsidizing the development of more affordable housing options, changing density and zoning regulations, eliminating discrimination in the rental market, and ensuring that there is fair access to lending opportunities for all potential homebuyers, but also ensuring that renters and potential homebuyers can pay rent and save money for future housing opportunities. Increasing the minimum wage or enacting a universal basic income across the region could offer all residents better access to high-quality, stable housing options.

# ORDINANCE REVIEW

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The Fair Housing Center reviewed housing ordinances at the local and county level across Ashtabula, Cuyahoga, Lake, Lorain, and Medina Counties. Through this review, the Fair Housing Center identified several issues in local ordinances with potential fair housing implications. Briefly, the issues we identify include local ordinances that allow for exemptions as provided within the federal Fair Housing Act in certain types of housing, have Criminal Activity Nuisance Ordinances, and limit access to group homes either through zoning requirements or banning particular groups of people from living in group home settings.

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.

Table 1: Local Fair Housing Laws in Northeast Ohio

Ordinance	Ashtabula County			Cuyahoga County													
	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 City	Conneaut	Geneva	Bay Village	Beachwood	Bedford	Bedford	Berea	Brook Park	Brooklyn	Brooklyn Hts..	Cleveland	Cleveland	Cuyahoga	Cuyahoga	East	

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
	Euclid	Fairview Park	Garfield Heights	Gates Mills	Glenwillow	Highland Hills	Lakewood	Linndale	Maple Heights	Mayfield Heights	Mayfield Village	Newburgh	North Olmsted	North Randall	North Royalton	Oakwood	Olmsted Falls	Parma

Cuyahoga County (Continued)

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				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					
														</		

Ordinance		561	725	628	136	Res. 11-525	628	1185	790	628		Ord. 610-05	717	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				X		
Gender Identity								X					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
	<b>Lorain County</b>	Amherst	Elyria	Grafton	Lorain City	Lorain County	North Ridgeville	Oberlin	Sheffield Lake	Vermillion	<b>Medina County</b>	Chippewa Lake	Medina	Medina County	Rittman



# SINGLE-FAMILY HOME EXEMPTION, MRS. MURPHY EXEMPTION, AND LOCAL LAWS

Local jurisdictions often have their own fair housing ordinances. These ordinances frequently provide additional protection to groups of people who are not protected 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. By executive order, the definition of sex discrimination has been expanded to include sexual orientation and gender identity based on case law, however, sexual orientation and gender identity are not listed as federally protected classes. The status of sexual orientation and gender identity as a protected class could change under a different administration.

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. Local communities 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 owner-occupied 2- to 4-unit properties and large numbers of small housing providers. 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:

**Table 2: Lorain County Single-Family Home and Mrs. Murphy Exemptions [1]**

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

**Table 3: Cuyahoga County Single-Family Home and Mrs. Murphy Exemptions [2]**

City or Village	Single Family Exemption	Mr. Murphy Exemption
Brooklyn	Yes	Yes
Euclid	No	Yes
Gates Mills	Yes	Yes
Highland Hills	Yes	Yes
Mayfield Village	Yes	Yes
Newburg Heights	Yes	Yes
North Olmsted	Yes	Yes
North Randall	Yes	Yes
Oakwood	Yes	Yes
Parma	Yes	Yes
Parma Heights	Yes	Yes
South Euclid	Yes	Yes

# CRIMINAL ACTIVITY NUISANCE ORDINANCES

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Criminal activity nuisance ordinances (CANOs) are local 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 housing provider 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 (Lepley, M. and Mangiarelli, L., 2019).

There are 36 CANOs in Northeast Ohio, 13 (36.1%) of which include domestic violence as a nuisance activity. Municipalities use CANO enforcement as a tool for the 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 (Mead, J.; Hatch, M.; Tighe, R.J.; Pappas, M.; Andrasik, K.; and Bonham, E., 2017). 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 neighbors believe that criminal activity has occurred on the premises counts against the resident.

In March, President Biden signed into law the Violence Against Women Act (VAWA) Reauthorization Act of 2022. The 2022 VAWA reauthorization, effective October 1, 2022, prohibits governments that receive Community Development Block Grant funding from penalizing tenants, landlords, homeowners, and others based on requests for emergency assistance or based on criminal activity of which one is a victim or otherwise not at fault.

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:[3]

- Ashtabula
- Geneva-on-the-Lake\*

Cuyahoga County:[4]

- Bedford Heights
- Berea
- Brooklyn
- Cleveland
- Cleveland Heights
- Cuyahoga Heights\*
- East Cleveland
- Euclid
- Fairview Park\*
- 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:[5]

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

Lorain County:[6]

- Avon Lake\*
- Sheffield Lake\*
- Wellington

Medina County:[7]

- Brunswick
- Rittman\*
- Wadsworth\*

# GROUP HOME ZONING RESTRICTIONS AND FAIR HOUSING

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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.”[8] Zoning codes that treat groups of unrelated people with disabilities differently than groups of related people could violate fair housing laws. According to a joint statement 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 a right afforded by fair housing law, groups of unrelated people with disabilities must be “given the opportunity to seek an exception or waiver.”[9] Communities that do not approve requests for exceptions when they meet the criteria for reasonable accommodations may violate the fair housing 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. 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:

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:[10]

- 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

Cuyahoga County[11]:

- East Cleveland – 1500 feet
- Euclid – 500 feet for high-density group homes in districts where they are conditional uses. Low density group homes are permitted uses throughout most residential districts.
- Fairview Park – 1,000 feet and limited to multi-family districts.
- Garfield Heights – 2,640 feet
- Lakewood – 1,000 feet in residential districts. Permitted in some commercial districts.
- 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 multifamily 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:[12]

- Bainbridge Township – 10,560 feet
- Chardon – 1,000 feet
- Hambden Township – 10,560 feet
- Newbury Township – 5,280 feet
- Parkman Township – 5,280 feet

Lake County:[13]

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

Lorain County:[14]

- 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:[15]

- 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.[16] States and municipalities often argue that minimum distance requirements are necessary for integrating residents of group homes into the general community (terms used often include “clustering,” “institutionalization,” and “ghettoization”) and maintaining the residential character of neighborhoods. Federal courts have offered contradictory rulings on minimum distance requirements for group homes, making it difficult to turn to case law for guidance on the issue, but in most cases, minimum distance requirements have been found to violate fair housing law.

## **RESTRICTING ACCESS TO GROUP HOMES AND FAIR HOUSING: SPECIAL RESTRICTIONS, DISABILITY-BASED RESTRICTIONS, AND RESTRICTIONS BASED ON CRIMINAL RECORDS**

A number of communities throughout Northeast Ohio limit access to group homes through placing restrictions and requirements on individuals wishing to live in group homes. The Fair Housing Center collected data on these restrictions and requirements. Below is a summary of the restrictions and requirements for accessing group homes which impact access to housing and have implications for fair housing in the region.

### **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 City of Mayfield Heights and The City of Strongsville. The Fair Housing Act prohibits land-use policies that treat people with disabilities less favorably than groups of people without disabilities.[17] 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 protected class members. 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. [18] In majority-white municipality of Mayfield Heights, a group home operator must provide a written assurance that prospective residents will not constitute a danger to the community. Prospective residents are to be approved by an admissions committee that includes one non-voting member appointed by the Mayor. Organizations operating group homes must agree that all residents will either be “enrolled in day programs outside the community or employed in the community.”[19]

In the City of Strongsville, group home regulations require that individual residents residing at home have the same functional impairment as represented in the initial application.[20] This regulation could limit people wishing to live in a group home by requiring that only persons with specified disabilities, initially outlined in the group home application, would be admitted into the home.

## **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 persons in recovery from 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 addiction treatment 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; nor are those who have been convicted of the illegal manufacture or distribution of a controlled substance.[21]

The Fair Housing Center reviewed municipal ordinances in Northeast Ohio, and the following municipalities bar from group home occupancy persons who may be protected by the Fair Housing Act:[22]

Cuyahoga County:

- Bay Village – persons with a communicable disease, persons who are addicted to alcohol or drugs or abuse alcohol or drugs
- Fairview Park – persons with a 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

## **RESTRICTIONS BASED ON CRIMINAL RECORD**

Several municipalities in Northeast Ohio restrict access to group homes by persons with criminal records. 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 or mental health disabilities or a history of drug abuse (Fountaine, J. and Biess, J., 2012) 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 legal system, restrictions on access to housing based upon criminal records disproportionately affect Black and Latinx individuals. Arbitrary, blanket criminal record-related bans can have a disparate impact if a policy denies housing to anyone with a prior arrest or to anyone with prior criminal conviction. Further, selective use of criminal record screening can be a proxy for illegal discrimination based on protected classes such as race or national origin and violate the Fair Housing Act.[23]

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 legal system:[24]

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

# FAIR HOUSING COMPLAINTS IN NORTHEAST OHIO

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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.[25]

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.[26]

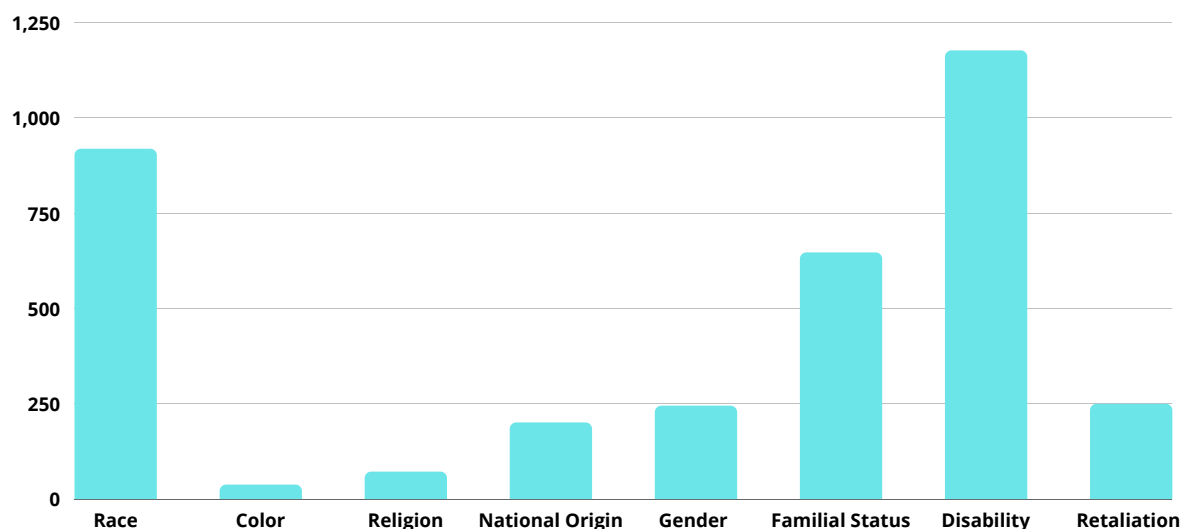
Once the OCRC receives a complaint (or "charge"), the agency assigns it to an investigator. When the Respondent (partly alleged to have discriminated) receives notice to the complaint, the OCRC offers the opportunity to voluntarily mediate the complaint. If both parties agree, a mediator meets with the parties and attempts to find a mutually satisfactory resolution. If a settlement is not reached, the case continues to be investigated. [27] 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.

After the investigator has reached a recommendation, the case is submitted for supervisory approval and reviewed by the Commissioners, who 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 either party requests, in state court.

The Fair Housing Center has collected and analyzed data on all fair housing complaints filed with HUD in the six-county region from 1997 to 2021. The data revealed that over the 25-year period (see Figure 1 Table 4):

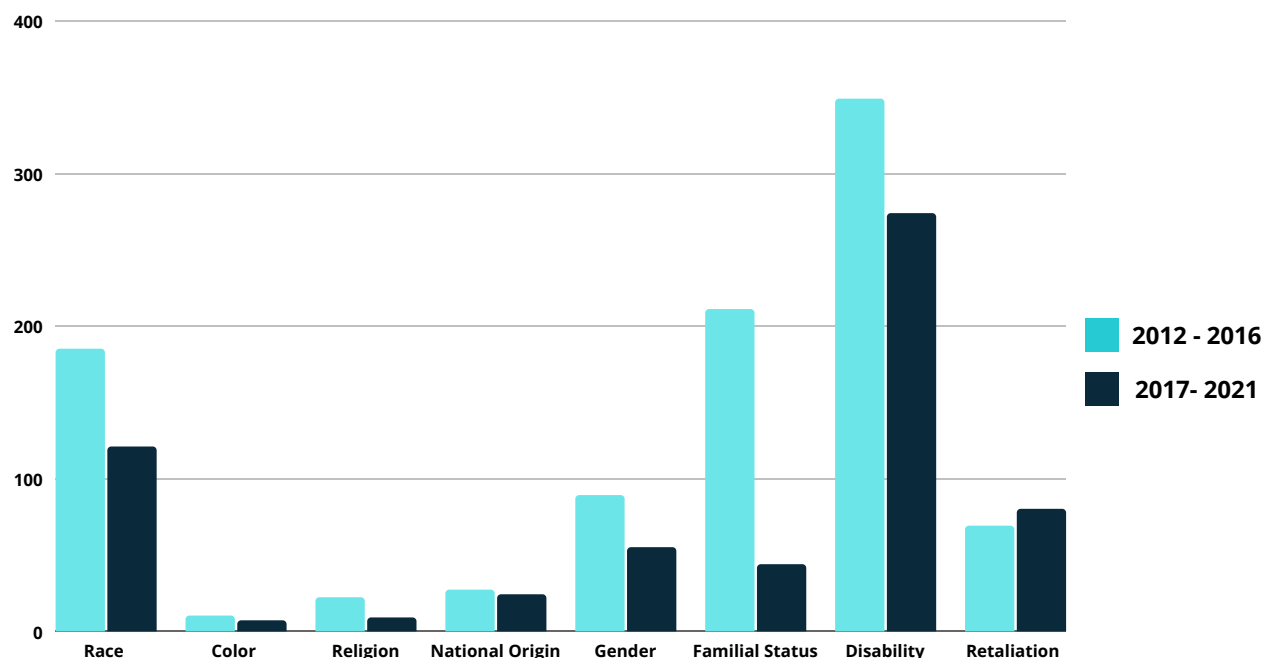
- On average, 141.6 were filed each year in the region;
- Cases filed alleging race discrimination accounted for 25.9% of the total cases, compared to 33.2% for disability and 18.2% for families with children;
- Complaints based on national origin accounted for 5.6% of the total, gender cases made 6.9% of the total, religion made up 2.0%, and color made up 1.0%;
- Nearly three-quarters of the complaints (82.3%) were filed in Cuyahoga County.

**Figure 1: Fair Housing Complaints Filed with HUD in Northeast Ohio, 1997 to 2021**



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 1997 to 2021. During the 25-year period of 1997 to 2021, 6.5 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 8.3 per 100,000 people. Lake County had the second-highest incidence of fair housing complaints with 5.3 complaints per 100,000 people. Ashtabula, Lorain, and Medina Counties had incidences of complaints at 4.4, 3.5, and 3.5 per 100,000 people, respectively, while Geauga County had the lowest incidence of fair housing complaints at 2.6 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.

**Figure 2: Fair Housing Complaints filed with HUD over 5-Year Periods**



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 (2012-2016 and 2017-2021; see Figure 2) to ascertain whether the types of complaints filed recently differed from those being filed earlier. This analysis revealed the following:

- In the past five years (2017 to 2021), there were 614 total complaints filed with HUD, for an average of 122.8 complaints per year, decreasing from 192.4 per year in the period of 2012 to 2016.
- The most common bases of discrimination alleged in complaints from 2017 to 2021 were disability (42.6%), race (19.7%), and gender (9.0%);
- The number of cases brought by race decreased by 34.6%, from 185 filed between 2012 and 2016 to 121 filed between 2017 and 2021;
- The number of complaints filed based on family status fell 79.2%, from 211 filed between 2012 and 2016 to 44 filed between 2017 and 2021;
- In the last five years, the number of complaints filed based on disability decreased 21.5% from 349 filed between 2012 and 2016 to 274 filed between 2017 and 2021;
- From 2012-2016 to 2017-2021 complaints based on color decreased 30%, religion decreased 59.1%, national origin decreased 11.1%, gender decreased 38.2%, and retaliation increased 15.9%.

**Table 4: Fair Housing Complaints Filed with HUD in Northeast Ohio, 1997-2021**

	<b>Race</b>	<b>Color</b>	<b>Religion</b>	<b>National Origin</b>	<b>Gender</b>	<b>Familial Status</b>	<b>Disability</b>	<b>Retaliation</b>	<b>Total</b>
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	27	1	4	8	10	6	55	22	133
2019	19	0	2	3	11	6	50	7	98
2020	16	2	2	1	9	2	33	14	79
2021	15	2	0	1	8	4	41	12	83
<b>Total</b>	<b>886</b>	<b>32</b>	<b>63</b>	<b>180</b>	<b>206</b>	<b>531</b>	<b>824</b>	<b>194</b>	<b>2916</b>

# ENDNOTES

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

[2] 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 South Euclid § 1408.03 (Ord. 9-98. Passed 2-23-98; Ord. 76-02. Passed 12-23-02.).

[3] 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).

[4] 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).

[6] Codified Ordinances of the Village of Fairport Harbor § 521 (Ord. 2006-39. Passed 4-4-06. 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).

[7] 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).

[8] 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.)

[9] 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.

[10] 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).

[11] Codified Ordinances of the City of Euclid, Ohio § 1351.02, § 1353.02, § 1355.02, § 1356.02, § 131356.03, § 1368.13, (Ord. 28-1957. Passed 1-28-1957. Ord. 178-1959. Passed 9-14-1959) Ord. 97-1972. Passed 5-1-1972. Ord 174-2008. Passed 9-2-2008). Codified Ordinances of the City of East Cleveland, Ohio § 1123.01 (Ord. 5531. Passed 2-11-1964 § 1125.10 (Ord. 97-08. Passed 12-2-2008). 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.)



[12] Codified Ordinances of the Township of Bainbridge, Ohio: Bainbridge Township Zoning Resolution § 135.02 (b)(9) (Adopted 6/27/1994). 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). Zoning Resolution of the Township of Newbury, Article V. Codified Ordinances of the Township of Parkman § 402.12, Parkman Township Zoning Resolution IV-10, Effective November 15, 2012.

[13] Codified Ordinances of the City of Painesville § 1115.02 (Ord. 16-19. Passed 9-16-2029). 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).

[14] 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) § 1240.10 (Ord. 106-2015. Passed 8-24-2015). 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.

[15] 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).

[16] Joint Statement of the Department of Justice and the Department of Housing and Urban Development, "Group Homes, Local Land Use, and the Fair Housing Act," p. 2 (August 18, 1999)

[17] 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).

[18] *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).

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

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

[21] 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](http://www.justice.gov/crt/about/hce/housing_coverage.php#disability).

[22] 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 11-10-12; 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 § 1107.02 (Ord. 16-19. Passed 9-19-2019). 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.).

[23] 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.

[24] 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.).

[25] 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.

[26] 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.

[27] 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).

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