



Fair Housing Center  
for Rights & Research

2023

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

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## ABOUT THE FAIR HOUSING CENTER FOR RIGHTS & RESEARCH

Fair Housing Center for Rights & Research (The Fair Housing Center) is a 501(c) (3) nonprofit 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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# Executive Summary

Despite the passage of the Fair Housing Act fifty-five years ago, housing discrimination and segregation remain prevalent in Northeast Ohio and most of the country. Between 2020 and 2021 the National Fair Housing Alliance reported an 8.7% increase in fair housing complaints across the nation. Regionally, The Fair Housing Center's analysis of 2022 HUD fair housing complaints revealed there was a 13.59% increase in the number of complaints filed between 2021 and 2022. Segregation, the historic and continued impact of redlining, and persistent forms of racialized wealth inequality continue to contribute to financial, health, educational, and other socio-economic disparities that exist between people of color and whites and between wealthy and moderate-low-income individuals. The COVID-19 pandemic and financial, economic, and health impacts of the pandemic have only exacerbated these disparities.

This report is the Fair Housing Center's seventeenth annual comprehensive examination of fair housing trends for Ashtabula, Cuyahoga, Geauga, Lake, Lorain, and Medina Counties. The report finds that 55 years after the passage of the Fair Housing Act housing discrimination remains widespread and on the rise.

## Key Findings from the Report:

### **Reports of housing discrimination are on the rise**

One hundred seventeen fair housing complaints were filed with HUD in 2022 from the six-county region, a 13.59% increase over the number filed in 2021. Approximately 84% of the complaints alleged discrimination occurring within Cuyahoga County. The most common bases of discrimination in 2022 were disability (41.03%), race (21.37%), and complaints alleging retaliation (13.68%). From 2021 to 2022, there was an increase in the number complaints based on race, color, national origin, sex, familial status, and retaliation. However, the total percent of complaints filed on the bases of disability decreased between 2021 and 2022.

### **From 2018 to 2022, the number of housing discrimination complaints reported to the Fair Housing Center dramatically increased**

Although the Fair Housing Center's primary service area of Cuyahoga and Lorain Counties covers only two of the six counties reviewed in this report, complaint data from our office also reveals an increase in fair housing complaints. From 2018 to 2022 there was a 261% increase in the number of discrimination complaints reported to The Fair Housing Center. In other words, The Fair Housing Center received 2.6 times more housing discrimination complaints in 2022 than it did in 2018. A total of 1,571 complaints were received and processed by the Fair Housing Center between 2018 and 2022, for an average of 314.2 complaints each year. The most common bases of discrimination alleged in complaints from 2018 to 2022 were disability (63.21%), race (21.20%), and sex (11.14 %). Over 95% of the complaints received by the Fair Housing Center are rental-related.

### **Local ordinances and policies exclude people of color, victims of domestic violence, and people with disabilities**

A review of all of the fair housing ordinances in the six counties found no updates within the past year. A number of municipalities and townships have ordinances and zoning codes that impede fair housing by restricting group home and residential facilities. Throughout Northeast Ohio, there are insufficient tenant protections, impacting those rent with a housing voucher, have been incarcerated, or have been evicted.

### **Mortgage lenders continue to 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 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 in majority-minority census tracts and do very little of their business in majority-minority census tracts.

### **The federal government is taking steps to increase renter rights, address racial inequity, affirmatively further fair housing, and enhance enforcement of the Fair Housing Act**

The federal government has taken a number of actions to increase housing stability, strengthen fair housing enforcement and address racial inequity in housing. In the last year alone, the Biden administration has issued guidance on reducing barriers to housing for persons with criminal records; signed the Violence Against Women Act 2022 Reauthorization; issued *The White House Blueprint for a Renters Bill of Rights*, which, although is not legally binding, it does signal a commitment to creating a comprehensive set of federal laws aimed at protecting renters; through HUD published new proposed rulemaking to refine and implement the Fair Housing Act's mandate that HUD funding recipients affirmatively further fair housing; through the Interagency Task Force on Property Appraisal and Valuation Equity (PAVE) issued its action plan to root out and address racial and ethnic bias in home valuations and appraisals; and restored the 2013 Discriminatory Effects Standard, which provides fair housing advocates with an effective and important tool for enforcing the Fair Housing Act and addressing harmful and discriminatory impact of facially neutral housing policies.

### **Ohio state legislators continue to pass bills that are harmful for renters and erode fair housing protections**

Over the last two decades, the 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. 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 2022, Ohio state legislators passed House Bill 430, which prevents local authorities from enacting rent control or stabilization ordinances. In addition to thwarting efforts by local jurisdictions to create stable and affordable housing opportunities for its residents, House Bill 430 may also undermine the ability for local jurisdictions to enact Pay-to-Stay legislation, which protects tenants from being evicted.

## Recommendations & Conclusion:

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. The financial impacts of the COVID-19 pandemic continue to shape housing stability and affordability issues for tenants and homeowners. Emergency rental assistance programs, the national eviction moratorium, and expanded entitlement programs played an essential role in fostering some level of financial security and housing stability for renters throughout the United States. Ending these programs and entitlements is likely to have a harmful impact, especially for Black, Indigenous, and other people of color (BIPOC) renters, who were disproportionately impacted by the COVID-19 pandemic.

There are concrete steps that government officials and advocates can take that will have an immediate and positive impact on the state of fair housing in the region.

- Structure local and regional approaches to creating equitable access to housing around addressing the lasting impacts of redlining and predatory lending on BIPOC communities.
- Conform local ordinances to Ohio law and eliminate exemptions for small housing providers.
- Strengthen Fair Housing Laws
- Repeal local criminal activity nuisance ordinances as such ordinances that penalize renters; people of color; victims of domestic violence, dating violence, stalking, or sexual assault; and people with disabilities.
- Expand federal, state, and local protections for victims of domestic violence, stalking, and sexual assault from housing discrimination.
- Remove all restrictive language in group home and residential facility zoning ordinances.
- 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."
- Devote increased resources to continue to fund comprehensive local fair housing programs, including enforcement, client intake and assistance, testing, research, education, and advocacy.
- Enforce fair housing laws more vigorously to "affirmatively further fair housing."
- Increasing overall renter rights  
Addressing the gap between renters' wages and the cost of rental housing through increasing the minimum wage in the region.

# Introduction 2023 SOFH

Despite the passage of the Fair Housing Act fifty-five years ago, housing discrimination and segregation remain prevalent throughout Northeast Ohio and most of the country. Although residents have benefitted from the protections of 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. In recent years, federal and state protections have eroded, however, recent action at by the Biden-Harris Administration provides some important guidance and action towards making the goals of the Fair Housing Act come to fruition.

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.<sup>1</sup> People of color make up the largest percentage of all cost-burdened renters, which puts them at greater 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.<sup>2</sup> Despite receiving support from the federal government, economic hardship persisted with renters of color facing the greatest level of hardship. With much of the COVID-19-related aid ending and in the wake of the eviction moratorium, there are major concerns about the future of housing and economic stability for historically oppressed groups and low-to-moderate income earners. These trends are structured by and perpetuate the historical legacy and deleterious impacts of redlining and other forms of 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.<sup>3</sup>



# The Fair Housing Landscape

## National Landscape

Since our last report, there have been a number of important actions by the federal government and findings from national reports that directly impact the fair housing movement and have the potential to shape the trajectory of fair housing policy, enforcement, and outcomes throughout Northeast Ohio:

*End of Pandemic Emergency Assistance and Lack of Affordable Housing Leaves Many in Precarious Housing and Financial Situations:* Before the COVID-19 pandemic, renters throughout the United States were facing an affordability crisis, with nearly a quarter of renter households spending more than half of their incomes on rent each month. When utility and rent costs are factored into assessing housing-cost burden, it's estimated that 62% of working-age renter households were considered housing-cost burdened in 2018.<sup>4</sup> The financial impact of the COVID-19 pandemic disproportionately impacted renters, leading to a high share of renters falling behind on rent. To make ends meet during the pandemic, renters relied on a myriad of resources and programs to weather the financial shock of losing income and jobs, including utilizing a range of government supports, personal savings, credit, or borrowing from family and friends.<sup>5</sup> These resources were essential for a variety of households to achieve some level of housing stability.

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.<sup>6</sup> Developers simply do not have incentives or requirements to make any portion of a 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. 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.<sup>7</sup>

The financial impacts of the COVID-19 pandemic continue to shape housing stability and affordability issues for tenants and homeowners. Emergency rental assistance programs, the national eviction moratorium, and expanded entitlement programs played an essential role in fostering some level financial security and housing stability for renters throughout the United States. Ending these programs and entitlements is likely to have a harmful impact, especially for Black, Indigenous, and other people of color (BIPOC) renters, who were disproportionately impacted by the COVID-19 pandemic.

*HUD Restores Discriminatory Effect Rule:* The Fair Housing Act prohibits discrimination in the sale, rental, and financing of housing and other housing-related activities. In addition to prohibiting discrimination, the Fair Housing Act also prohibits policies that have an unjustified discriminatory effect (also discussed as a disparate impact) on protected classes named in the Fair Housing Act. The discriminatory effects stipulation of the Fair Housing Act provides a tool for addressing policies that cause systemic inequality in housing. In 2013, the U.S. Department of Housing and Urban Development

(HUD) issued a discriminatory effects rule, which outlined a standardized approach for complainants to prove a policy has a discriminatory effect and harmful impact.<sup>8</sup> The standard outlined in the 2013 Final Rule was affirmed by the Supreme Court in 2015 in [Texas Dept of Housing and Community Affairs v. Inclusive Communities Project](#). In 2020, the Trump Administration issued a rule governing the Fair Housing Act that added new procedural requirements for proving the discriminatory effect of policy that made it extremely difficult for plaintiffs to successfully prove a disparate impact case.<sup>9</sup> On March 17, 2023 HUD submitted a Final Rule entitled *Restoring HUD's Discriminatory Effects Standard* to the Federal Register for publication. The Final Rule rescinds HUD's 2020 rule governing disparate impact claims and restores the 2013 discriminatory effects rule.<sup>10</sup> Restoring the Discriminatory Effects Standard provides fair housing advocates with an effective and important tool for enforcing the Fair Housing Act and addressing harmful and discriminatory impact of facially neutral housing policies.

[The White House Blueprint for a Renter Bill of Rights](#): Recognizing the uneven patchwork of renter rights across the nation, dearth of affordable housing options for tenants, and longstanding and ever increasing gap between cost of living increases and wages, the Biden-Harris administration published *The White House Blueprint for a Renters Bill of Rights* in January, 2023.<sup>11</sup> Although not a legally binding piece of legislation, the *Blueprint for a Renter Bill of Rights* signals a commitment to creating a comprehensive set of federal laws aimed at protecting renters. The *Blueprint for a Renter Bill of Rights* sets out five principles that can act as a baseline for ensuring fairness in the housing market for renters. The principles outline that renters should have access to:

- Safe, Quality, Accessible, and Affordable Housing;
- Clear and Fair Leases;
- Education, Enforcement, and Enhancement of Renter Rights;
- The Right to Organize; and
- Eviction Prevention, Diversion, and Relief.

[HUD Memo on Implementation of the Office of the General Counsel's Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions](#): In June of 2022, the U.S. Department of Housing and Urban Development (HUD) released a memo offering additional information on implementing policies and practices to reduce barriers to accessing housing for persons with criminal records.<sup>12</sup> This 2022 memo builds on HUD's 2016 Guidance on the [Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions](#).<sup>13</sup> The 2022 memo recommends HUD Fair Housing grant recipients encourage housing providers to eliminate criminal record screening from their tenant screening processes and, for housing providers who chose to continue this practice, outlines a set of best practices to avoid potential violation of the Fair Housing Act. The guidance and recommendations provided by HUD will hopefully reduce barriers to housing for persons impacted by criminal records.

[Affirmatively Furthering Fair Housing Proposed Rule](#): In February 2023, HUD published new proposed rulemaking to refine and implement the Fair Housing Act's mandate that HUD ensure funding recipients affirmatively further fair housing<sup>14</sup>. Under the proposed rule, program participants would need to proactively take meaningful actions to dismantle patterns of segregation, promote fair housing choice for everyone, eliminate disparities in opportunity, and cultivate inclusive communities free from discrimination.<sup>15</sup> The comment period for the proposed rule closed on 4/24/2023 and HUD is currently

reviewing the comments received from the public. It is anticipated that the final AFFH Rule will be published later in 2023.

[Reauthorization of the Violence against Women Act](#): In March 2022, President Biden signed into law the Violence Against Women Act Reauthorization Act of 2022 (VAWA). The act enhances housing protections for individuals who have experienced domestic violence, dating violence, sexual assault, or stalking (defined as VAWA violence/abuse) applying for and living in HUD assisted units. VAWA protects survivors, regardless of their sex, gender identity, or sexual orientation and regardless of the sex, gender identity, or sexual orientation of the individual who caused harm. Under VAWA, someone cannot be denied admission to a HUD-subsidized unit or program, be evicted from a HUD-subsidized unit, or have their assistance terminated because of violence or harm committed against them. HUD cannot deny admission to a HUD program or unit, evict a person from a HUD property, or terminate assistance for an individual because they have an eviction record, bad credit, or criminal history resulting from experiencing VAWA violence/abuse. Individuals can also request an emergency transfer from a housing provider for safety reasons related to VAWA violence/abuse committed against them.<sup>16</sup>

[Action Plan to Advance Property Appraisal and Valuation Equity \(PAVE Action Plan\)](#): In March 2023, the Interagency Task Force on Property Appraisal and Valuation Equity (PAVE) issued its action plan to root out and address racial and ethnic bias in home valuations and appraisals.<sup>17</sup> The action plan outlines five core elements: to increase transparency, accountability, and oversight in the appraisal industry; empower consumers to challenge valuation that is the result of bias; develop guidelines and quality controls of Automated Valuation Models that often perpetuate racial bias; diversify the appraisal industry workforce; and develop a database to track trends in appraisals to better monitor and evaluate appraisal bias.

[Executive Order 13985 Advancing Racial Equity and Support for Underserved Communities through the Federal Government](#): The goal of Executive Order 13895 is to affirmatively advance “equity for all, including people of color and others who have been historically underserved, marginalized and adversely affected by persistent poverty and inequality.”<sup>18</sup> The order outlines that each federal agency will conduct an equity assessment of selected programs and policies to consider whether members of underserved communities experience barriers to accessing the benefits and opportunities provided by federal programs.<sup>19</sup> The findings from these assessments will be summarized in reports and will outline:

- “(a) Potential barriers that underserved communities and individuals may face to enrollment in and access to benefits and services in Federal programs;
- (b) Potential barriers that underserved communities and individuals may face in taking advantage of agency procurement and contracting opportunities;
- (c) Whether new policies, regulations, or guidance documents may be necessary to advance equity in agency actions and programs; and
- (d) The operational status and level of institutional resources available to offices or divisions within the agency that are responsible for advancing civil rights or whose mandates specifically include serving underrepresented or disadvantaged communities.”<sup>20</sup>

*National Fair Housing Alliance Report Illustrates Housing Discrimination is on the Rise:* The National Fair Housing Alliance (NFHA) reported that between 2021 and 2022 there was an 8.7% increase in fair housing complaints across the nation.<sup>21</sup> This finding is especially significant, given there were seven fewer agencies that reported data in 2021 compared to 2020. Across the United States, disability discrimination was reported at the highest rate and discrimination based on race was the second-most reported form of discrimination. This is consistent with local trends in Northeast Ohio. These findings may be influenced by a few notable factors. Disability discrimination can be more apparent to its victims, in part, because people with disabilities have added rights to reasonable accommodations, reasonable modifications, and accessible units in new multi-family housing developments. If requested to make a reasonable accommodation or modification, housing providers must work to meet the request of a tenant with a disability. When housing providers deny requests for accommodations or modifications, it can be easier for individuals to report instances of probable discrimination. While racial discrimination is also pervasive, it is often difficult to identify, leaving many incidents unreported. Other industry wide changes in the rental market, specifically the digitalization of tenant screening and rental application processes, also make a number of forms of discrimination hard to detect. Interestingly, the NFHA report highlighted a rise in complaints of discrimination based on source of income, sexual orientation, criminal background, age, domestic violence, and retaliation. Lastly, readers should keep in mind that these findings more than likely greatly underreport the number of actual cases of discrimination in housing across the United States.

*Credit Scoring Systems Continue to Exacerbate Unequal Access to Housing:* The expanded use of credit scoring systems to screen tenants, loan and mortgage applicants, and potential homebuyers disparately impacts communities of color.<sup>22</sup> 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, housing denials and other adverse actions based on credit score or credit history could potentially violate the Fair Housing Act. Relying on credit scores and credit histories to determine access to rental housing and mortgages disparately impacts communities of color and exacerbates existing inequity in the region. At best, racial disparities in credit reflect historical inequities.<sup>23</sup> In practice, the reliance upon credit scores in evaluating borrowers and tenants disproportionately disadvantages communities of color, perpetuating another cycle of economic and housing injustice.<sup>24</sup> Moreover, credit reports and scores are not reliable or accurate information to use to evaluate if someone will be a good tenant.<sup>25</sup> Credit reports are designed to predict the likelihood that a borrower will become late on loan- not if they will pay rent on time, which is a categorically different type of financial obligation than paying a loan.

## State and Local Landscape

Fair housing policy, enforcement, and outcomes are shaped by federal, state, and local level policy. This section summarizes some state and local trends in fair housing since the last report:

*Continued Use of Harmful Ordinances and Zoning Code put Tenant Safeguards in Jeopardy:* The analysis of fair housing ordinances conducted for this report found no changes to fair housing ordinances in the region. A number of municipalities and townships have ordinances and zoning code that impede the ability of all Northeast Ohioans to have fair access to housing opportunities. All municipalities and townships with such ordinances failed to repeal or amend those policies. Throughout Northeast Ohio, there remains a patchwork of protections for renters, especially those using Housing Choice Vouchers,

experience with the justice system, or trying to access group homes. Inequities propelled by local policy remained intake, while other action by state of Ohio legislators continue to erode the small number of protections tenants have in Ohio and place significant barriers in accessing affordable housing opportunities.

*Preemption of Rent Stability Ordinances may Promote Housing Instability:* [At the state level, legislators passed House Bill 430, which prevents local authorities from enacting rent control or stabilization ordinances.](#)<sup>26</sup> This means it is illegal for a municipality to put a cap on rent increases that landlords can issue. This could also have implications for pay-to-stay laws, thus further eroding tenant protections.<sup>27</sup> Preemption of rent stabilization coincides with the federal emergency rental assistance program ending and the Supplemental Nutrition Assistance Program’s emergency allotments ending.<sup>28</sup> In addition to thwarting efforts by local jurisdictions to create stable and affordable housing opportunities for its residents, House Bill 430 may also undermine the ability for local jurisdictions to enact legislation that protects tenants from being evicted. In March 2023, Cuyahoga County Council announced they were considering adding pay-to-stay legislation, which would prohibit landlords from evicting tenants for making late payments. Soon after this announcement, however, Cuyahoga County Council stopped the consideration of pay-to-stay legislation because of concerns that HB 430 includes language that preempts local jurisdictions from imposing any regulation over the terms of any rental agreement. Combined, these trends may make it increasingly difficult for renters to pay rent and stay housed, thus promoting greater housing instability throughout Northeast Ohio- all while eviction filings increase. In February of 2023, there were 642 evictions filed in Cleveland, making it the third-highest total amount of filings in any month since 2020, and eclipsing the monthly average number of eviction filings for 2016-2019.

*House Bill 150 Introduces Legislation to Prohibit Discrimination of Lawful Sources of Income:* On April 5, 2023 State Reps. Adam C. Miller (Democrat – Columbus) and Terrance Upchurch (Democrat – Cleveland) introduced legislation that would prohibit housing providers from discriminating against tenants utilizing the Housing Choice Voucher (HCV) program. Housing Bill 150 further stipulates it would be unlawful for a housing provider to advertise they do not accept tenants who use HCV program or refuse to show a property to an individual because they participate in the HCV program. In many jurisdictions throughout Ohio, housing providers can legally discriminate against tenants utilizing HCV to help pay rent.

*Cuyahoga County Announces Strategic Plan to Reduce Homelessness:* In March 2023, Cuyahoga County officials introduced a Strategic Action Plan to Reduce Homelessness, with a goal of reducing homelessness by 25% by 2027. The plan broadly outlines goals of reducing reliance on emergency shelters throughout the region, increasing rapid re-housing and permanent housing capacity, connecting residents at risk of homelessness to income and support services, and improving equity outcomes in housing. It is currently unclear what specific actions the county will take or how the county will fund and execute the plan. In combination with efforts to implement pay-to-stay legislation, this signals Cuyahoga County leadership’s commitment to improving housing equity and creating greater housing stability in the region.

*Ohio Fair Housing Protections Have Eroded:* In Ohio, state law governing fair housing (Ohio Revised Code 4412.02 (H)) covers residential property. Over the last fifteen years, Ohio State courts and the state legislature have steadily reduced the protections provided under Ohio’s fair housing law. A series of decisions by Ohio courts in 2007 and 2008 interpreted Ohio’s law inconsistent with the federal Fair

Housing Act in several key respects.<sup>29</sup> These decisions held that the statute of limitations for bringing complaints under the state’s accessible design and construction requirements for new, multi-family housing is only one year from the issuance of the certificate of occupation for private citizens – regardless of when they encounter the discrimination. Next, Ohio State courts 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 racially harass 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. Overall, 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’s 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 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 side-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 predominately concentrated on the east side of Cleveland. These practices build on the legacies of segregation, redlining, and predatory lending which 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 to address the current imbalances in purchasing power between investors and residents, imbalances in bargaining power between landlords and tenants, and gaps in regulation and enforcement of these practices.

*Mortgage Lenders Deny Loans to People of Color at Higher Rates and Make Few loans in Communities of Color:* Between 2016 and 2021 the overall number of loans made, the total number of dollars loaned, and average loan amount allocated to Black borrowers increased in Cuyahoga County. While home purchase loans to Black borrowers increased, Black borrowers were denied at nearly twice the rate of white borrowers for home purchase loans and home improvement loans.<sup>30</sup> In fact, high income Black borrowers were denied home improvement and home purchase loans more often than middle-and-moderate income white borrowers.<sup>31</sup> Black borrowers were also more frequently issued higher interest loans than white borrowers. Moreover, white majority areas have significantly more home improvement and home purchase loans originated in them compared to minority-majority and Black-majority areas. . 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.<sup>32</sup> Even though loans to Black borrowers are increasing in Cuyahoga County, “evidence of traditional redlining and disparity remain.”<sup>33</sup>

*Current Laws Contribute to Segregation by Allowing Housing Providers to Legally Discriminate Against Housing Choice Voucher Recipients:* In the Cleveland metropolitan region, participants in the Housing Choice Voucher Program (89% of whom are African American) are more racially segregated than their peers at the same income level paying out-of-pocket for housing. Housing providers in Cuyahoga County refuse to accept Housing Choice Vouchers (HCVs) 91% of the time. Housing providers who advertise “no Section 8” are more likely to discriminate against Black renters. It is possible that some housing providers refuse to take HCVs as a legal proxy for refusing to rent to Black renters.<sup>34</sup>

*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. Housing providers may be fined for CANO violations and are 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 as some cities have also enforced their CANOs in response to emergency calls for assistance by persons experiencing a health crisis.

*Burdensome Group Home and Residential Facility Regulations Exclude People with Disabilities, Accessing Rehabilitation Services, and Re-Entering the Community from Cities, Municipalities, and Other Local Geographies throughout Northeast Ohio:* Group homes and residential facilities are communal living settings that provide a variety of services and supports for its residents. Some group homes provide a supportive living setting for people who cannot live independently due to a disability, while others provide rehabilitative services for individuals struggling with addiction or re-entering the community after being incarcerated. Many municipalities in Northeast Ohio have set minimum distance requirements for group homes and residential facilities. Moreover, many municipalities in Northeast Ohio exclude individuals with communicable diseases, needing to access rehabilitation services, re-entering the community after being incarcerated, or having felonies from living in a group home setting. Even the smallest minimum distance requirements, 500 feet 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. A number of cities regulate who can utilize group homes and residential facilities and what services facilities can provide. Many cities ban justice involved adults and juveniles from living in group homes. A number of cities do not allow individuals addicted to drugs or suffering from alcoholism to access group home or residential facilities. While other cities ban individuals with different types of mental illnesses, communicable diseases, or disabilities from living in group home settings.

*The Bibb and Ronayne Administrations are Respectively Prioritizing Housing Affordability and Stability:* Both Cleveland City Mayor Justin Bibb and Cuyahoga County Executive Chris Ronayne are prioritizing creating affordable and stable housing opportunities for the residences of Cuyahoga County and the City of Cleveland. In May of 2022, the City of Cleveland dedicated approximately \$51 million in American Rescue Plan Act dollars toward housing related projects and policies. The City of Cleveland proposed using \$35 million to incentivize public and private housing development, \$10 million for home repair

funds, and \$5 million toward loans for small and minority contractors to build in underserved neighborhoods. Twenty-five million dollars of the thirty-five million dollars allocated toward housing development is supposed to go toward developing affordable housing, with the goal of creating 1,500 affordable housing units and 1,650 “market rate” housing units. In August of 2022, Mayor Bibb and Cleveland City Council passed a “pay-to-stay” ordinance, providing Cleveland tenants with a possible defense against eviction. In April of 2023, Cleveland City Council approved a request from Mayor Bibb to allocate \$5 million from Cleveland’s general budget to a modified rental assistance program to be administered by CHN Housing Partners. CHN Housing Partners expects to be able to assist 250 households in 2023, 275 households in 2024, and 200 in 2025. This is the first time that the City of Cleveland will allocate funds from its general budget for a rental assistance program.

In March of 2023, Chris Ronayne and Cuyahoga County officials unveiled a Strategic Action Plan to address homelessness, with the goal of decreasing homelessness by 25% by 2027, reducing reliance on emergency shelters, increasing rapid re-housing and permeant housing capacity, and improving equity in housing. That same month Cuyahoga County Council announced it is considering a county-wide “pay-to-stay” ordinance. Passing a county-wide “pay-to-stay” ordinance would give hundreds of thousands of renters a legal defense to stay in their home if they pay all owed rent and late fees before an eviction hearing. Fair Housing Center applauds these actions, aspirations, and efforts and hopes that each administration respectively continues to push for creating more equitable, fair, stable, and affordable housing opportunities in the region.



# Ordinance Review and Implications

The Fair Housing Center reviewed housing ordinances at the local and county levels across Ashtabula, Cuyahoga, Geauga, Lake, Lorain, and Medina Counties. After briefly reviewing the protections provided under the Fair Housing Act and Ohio state law, this section provides an analysis of local and county level housing ordinances. 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.

Through this review, The Fair Housing Center identified several issues in area ordinances with potential fair housing implications, including potential Affirmatively Furthering Fair Housing violations. Briefly, the issues we identified include ordinances that allow for exemptions as provided within the federal Fair Housing Act in certain housing which are in conflict with state law, 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.

## Fair Housing Law: Federal and State Protections

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.<sup>35</sup> Which law or laws apply in a given situation depends on where the property in question is located and where the alleged discriminatory act occurred. 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 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.

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 federal Fair Housing Act prohibits discrimination based on seven grounds: race, color, religion, national origin, sex, familial status, and disability.<sup>36</sup> The Fair Housing Act makes it unlawful, because of one of the classes protected by the statute, to:

- Refuse to sell or rent a dwelling;<sup>37</sup>
- 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;”<sup>38</sup>
- 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.

In 2021, HUD announced that it would begin to enforce the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity. A 2021 executive order from President Biden aligned federal Fair Housing Act enforcement with the Supreme Court’s ruling in *Bostock v. Clayton County* that discrimination on the basis of sexual orientation and gender identity both fall under the protected class of sex. HUD requires jurisdictions that receive funding under the Fair Housing Assistance Program (FHAP) to administer those laws to prohibit discrimination because of gender identity and sexual orientation in order to maintain their FHAP status. In Northeast Ohio, the Ohio Civil Rights Commission and the Shaker Heights Fair Housing Review Board are FHAP agencies.<sup>39</sup> The status of sexual orientation and gender identity as a protected class could change under a different administration, and it is therefore important for local jurisdictions to continue to include sexual orientation and gender identity as separate protected classes under local ordinances.

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.<sup>40</sup> 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.<sup>41</sup>

## Analysis of Fair Housing Ordinances at the Local Level

Local jurisdictions often have their own fair housing ordinances or resolutions. These ordinances frequently provide additional protection to groups of people not protected under state or federal law. Some examples of additional protected classes covered in Northeast Ohio are occupation, source of income, and age. Although not explicitly defined as a protected class, victims of domestic violence and sexual harassment, are covered under the umbrella of sex discrimination and expanded through case law.

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	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	XX	X		X	X	X
Disability (Federal coverage)	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
Sex/Gender (Federal coverage)	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
National Origin (Federal coverage)	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
Religion (Federal coverage)	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
Color (Federal coverage)	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
Race (Federal coverage)	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
<b>Ashtabula County</b>																
Ashtabula City																
Conneaut																
Geneva																
<b>Cuyahoga County</b>																
Bay Village																
Beachwood																
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					
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	X
Disability (Federal coverage)	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	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	Linddale	Maple Heights	Mayfield Heights	Mayfield Village	Newburgh Heights	North Olmsted	North Randall	North Royalton	Oakwood	Olmsted Falls	Parma

**Cuyahoga County (Continued)**





## Single-Family Home Exemption, Mrs. Murphy Exemption, and Added Protections in Local Laws

The Fair Housing Act initially protected people from discrimination only on the basis of race, color, religion, and national origin. Congress later added sex, familial status, and disability.<sup>42</sup> However, a compromise was made 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 four or fewer units were also exempt. This legislative compromise is colloquially known as the Mrs. Murphy exemption. 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.

The single-family home and Mrs. Murphy exemptions afforded by the federal Fair Housing Act, but not Ohio Fair Housing law, 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 who qualify for either of these federal exemptions 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 for some properties and housing transactions, but not all, and may create a confusing landscape of liability for housing providers within their jurisdictions. This could have a particular impact on communities with 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 with a fair housing ordinance for the presence of the single-family housing exemption and the Mrs. Murphy exemption and identified the following:

**Table 2: Lorain County Single Family and Mrs. Murphy Exemptions<sup>43</sup>**

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

**Table 3: Cuyahoga County Single Family and Mrs. Murphy Exemptions<sup>44</sup>**

City or Village	Single Family Exemption	Mrs. Murphy Exemption
Euclid	No	Yes
Gates Mills	Yes	Yes
Highland Heights	Yes	Yes
Mayfield Village	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

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.

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. 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, noncriminal behaviors. The mere record that a landlord or neighbors believe that criminal activity has occurred on the premises may result in action against the tenant.

In March 2022, 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. Ordinances that include “domestic violence” as a nuisance activity may violate the Violence Against Women Act.

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<sup>45</sup>

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

### Cuyahoga County<sup>46</sup>

- 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<sup>47</sup>

- Fair Port Harbor
- Mentor-on-the-Lake
- Painesville

#### Lorain County<sup>48</sup>

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

#### Medina County<sup>49</sup>

- Brunswick
- Rittman
- Wadsworth\*

# Restrictions on Group Homes and Other Residential Facilities

Some people with disabilities choose to live in group homes or residential facilities. Others may be required to live in a group home setting or residential facility. For the purposes of this analysis, group home refers to “housing occupied by groups of unrelated individuals with disabilities.”<sup>50</sup> Residential facilities, on the other hand, are defined in a variety of ways, ranging from being defined as a type of group home, to facilities that provide specific types of services to residents, a family home, social care home, halfway house, group residential facility, community care facility, or a licensed residential facility as defined by Ohio Revised Code.<sup>51</sup>

The Fair Housing Act prohibits state and local land use and zoning laws, policies, and practices that discriminate based on protected characteristics protected under the Fair Housing Act. Examples of land use and zoning laws and practices that violate the Fair Housing Act identified by the Department of Justice and HUD, include, but are not limited to:

- Prohibiting or restricting the development of housing based on the belief that residents of the housing development will be members of a particular protected class outlined in the Fair Housing Act;
- Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups or unrelated individuals;
- Imposing restrictions on housing because of alleged safety concerns that are based on stereotypes about residents’ and their membership in a protected class outlined in the Fair Housing Act;
- Enforcing facially neutral laws or policies differently because of the protected characteristics of the residents in group home;
- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations are necessary to allow individuals with disabilities to have an equal opportunity to enjoy housing.<sup>52</sup>

The Fair Housing Act defines persons with a disability in three ways: individuals with a physical or mental impairment that significantly limits one or more major life activities, those who are regarded as having a physical or mental impairment, or those who have a record of having such impairment. Impairments identified as constituting having a disability include, but are not limited to, having conditions such as orthopedic, visual, speech, and hearing impairments or developmental disabilities. This definition also includes having diabetes, heart conditions, HIV infection, autism, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

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 issued in 2016: “A local government may generally restrict the ability of groups of unrelated persons to live together without violating the Act as long as the restrictions are imposed on all such groups, including a group defined as a family.”<sup>53</sup> This joint statement goes on to further spell out that facially neutral ordinances and zoning policies may still violate the Fair Housing Act if the ordinance is intentionally discriminatory or has an unjustified discriminatory effect on persons with disabilities. 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.”<sup>54</sup> 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 and ordinances related to group homes and residential facilities for every jurisdiction in Northeast Ohio. The analysis yielded several key findings. First, several municipalities in Northeast Ohio restrict group home and residential facility density by setting minimum distance requirements between group homes or excluding group homes from certain residential districts. Second, several municipalities in Northeast Ohio restrict what kind of services group homes and residential services can provide and who can receive care in group homes and residential facilities. For example, several municipalities explicitly ban allowing group homes and residential facilities from providing services to justice involved individuals, individuals trying to access rehabilitative services for drug and alcohol addiction, those who are living with a mental illness, or those that have “communicable diseases”. Combined together, density and resident restrictions create an uneven geography of opportunity for utilizing and accessing rehabilitative and social support services and group living opportunities for residents of Northeast Ohio. These restrictions may potentially violate the fair housing laws.

## Group Home and Residential Facility Density Restrictions

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.<sup>55</sup> 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.<sup>56</sup> Below are a list of jurisdictions that place restrictions on group home and residential facility density:

### Ashtabula County<sup>57</sup>

- 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<sup>58</sup>

- Brooklyn Heights – Group homes not be permitted as a matter of right without special requirements, only when conditional uses are permitted in all Residential Districts only when the same are approved by the Board of Zoning Appeals.
- Cleveland- 1,000 feet

- East Cleveland – 1,500 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 multifamily 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- 1,000 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<sup>59</sup>

- Bainbridge Township – 10,560 feet
- Chardon – 1,000 feet
- Hambden Township – 10,560 feet
- Huntsburg – No more than one residential facility per-lot
- Newbury Township – 5,280 feet
- Parkman Township – 5,280 feet for group homes, 10,560 feet for residential facilities
- Thompson Township – No more than one residential facility per lot

#### Lake County<sup>60</sup>

- Mentor City – No excessive concentration of residential facilities
- Painesville – 2,000 feet
- Perry Village – 1,000 feet
- Willoughby Hills- No excessive concentration of residential facilities
- Willoughby Hills – 1,000 feet

#### Lorain County<sup>61</sup>

- Amherst Township – 600 feet
- Avon – 1,000 feet
- Avon Lake – 1,320 feet
- Elyria – 1,320 feet
- Grafton – 600 feet
- Lorain – Limit excessive concentration of residential facilities
- Wellington – 600 feet

#### Medina County<sup>62</sup>

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

## Restricting Access to Group Homes, Residential Facilities, 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 and residential facilities by placing restrictions and requirements on who can live in these homes. Below is a summary of the restrictions and requirements for accessing group homes.

### Restrictions Based on Conditions Qualifying as Disabilities under the Fair Housing Laws

Several municipalities in Northeast Ohio exclude people from living in group homes and residential facilities 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, persons in recovery from substance use disorder, and persons with 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.<sup>63</sup>

The Fair Housing Center reviewed municipal ordinances related to group home and residential facility occupancy in Northeast Ohio, and found that the following municipalities restrict tenancy of persons who may be protected by the Fair Housing Act:<sup>64</sup>

#### 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
- Olmsted Falls - excludes facilities for persons suffering from acute or chronic alcoholism, or other drug dependency, or persons who are mentally incapacitated from causes other than simple senility or who regularly require restraint
- Parma Heights – persons being treated for drug abuse or primarily for alcohol abuse; persons discharged from any facility after being found incompetent to stand trial or not guilty by reason of insanity
- Shaker Heights – persons who are currently addicted to alcohol or narcotic drugs
- University Heights- persons who are severely mentally retarded, psychotic individuals, drug or alcoholic offenders or wards of the court or welfare system.

## Lake County

- Madison Township – persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.
- 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. In April 2016, HUD released guidance concerning the application of Fair Housing Act Standards to the use of criminal records by housing providers, recommending that housing providers not use criminal history to screen tenants for housing, except in specific limited instances.<sup>65</sup> This point was further iterated by HUD in 2022.<sup>66</sup> 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.<sup>67</sup> Finally, persons with criminal records relating to a disability, such as being in recovery from a substance use disorder or getting diagnosed with a mental illness and developing an effective treatment plan to address previously-unaddressed behavioral issues, are entitled to reasonable accommodations in connection with their disabilities which may include a request to overlook prior criminal records if the circumstances leading to the conviction no longer exist or effective interventions make the previous behavior or activity unlikely to recur.

The Fair Housing Center reviewed municipal ordinances in Northeast Ohio, and the following municipalities restrict access to group homes and residential facilities based on some involvement with the criminal legal system:<sup>68</sup>

## 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.
- Bedford - Group home shall not include communicable diseases, alcoholism or drug treatment center, work release facilities for convicts or ex-convicts or other housing facilities serving as an alternative to incarceration which poses a direct threat to the health and safety of others.
- 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 correction 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; persons under probation, parole, or conditional release; or persons discharged from the custody of the Ohio Department of Youth Services within the last 10 years.
- Shaker Heights – criminal offenders serving on work release or probationary programs.
- University Heights- does not permit facilities that serve persons released from state or county treatment or penal institutions, juvenile offenders, drug or alcoholic offenders or wards of the court or welfare system.

#### Lake County

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

#### Lorain County

- Avon Lake - "disabled" shall not include: current illegal use of or addiction to a controlled substance or a conviction for the sale or distribution of illegal drugs.
- Eaton – persons must not have been previously convicted of a felony or require institutional care or treatment.

## Unclear Residential Restrictions in Group Home and Residential Facility Ordinances

Many other jurisdictions throughout Northeast Ohio designate that group homes and residential facilities are meant to serve individuals with mental or physical disabilities, without any additional language about restrictions or requirements for people wishing to live in group homes or residential facilities. The Fair Housing Center analyzed the language used by jurisdictions to define residential requirements and restrictions in group homes and residential facilities.

The table provides three designations. An “A” means a resident with the designated characteristic is allowed to reside in a residential facility, an “E” means a resident with the designated characteristic is explicitly excluded from using a residential facility, and a “U” means it’s uncertain if a person with that particular characteristic is allowed access a residential facility given the ambiguity of the language in the ordinance.

**Table 4: Residential Facility Resident Restrictions in Ashtabula County**

<b>Jurisdiction</b>	<b>Mental Illness</b>	<b>Mental or Physical Disability</b>	<b>Criminal Record</b>	<b>Communicable Disease</b>	<b>Rehabilitative Services for Addiction</b>
Ashtabula, City	A	A	A	U	A
Austinburg	A	A	A	U	A
Dorset	A	A	A	U	A
Geneva	A	A	A	U	A
Hapersfield	A	A	A	U	A
Kingsville	A	A	A	U	A
Lenox	A	A	A	U	A
New Lyme	A	A	A	U	A
Orwell	A	A	A	U	A
Plymouth	A	A	A	U	A
Roaming Shores	A	A	A	U	A
Rockcreek	A	A	A	U	A
Trumble	A	A	A	U	A
Williamsfield	A	A	A	U	A



**Table 5: Residential Facility Resident Restrictions in Cuyahoga County**

<b>Jurisdiction</b>	<b>Mental Illness</b>	<b>Mental or Physical Disability</b>	<b>Criminal Record</b>	<b>Communicable Disease</b>	<b>Rehabilitative Services for Addiction</b>
Bay Village	E*	A	E	E	E
Bedford	U	A	E	E	E
Broadview Heights	U	A	U	U	U
East Cleveland	A	A	U	U	E
Euclid	A	A	U	U	U
Fairview Park	E*	E	E	E	E
Garfield Heights	U	U	E	U	E
Glenwillow	U	A	U	U	U
Lakewood	U	U	U	U	U
Lyndhurst	U	U	U	U	U
Maple Heights	U	A	U	U	A
Newburgh Heights	U	A	E	U	E
Olmstead Falls	E*	U	U	U	E
Parma	A	U	U	U	U
Parma Heights	E*	A	E	U	E
Rocky River	A	A	U	U	U
Shaker Heights	U	U	E	U	E
South Euclid	U	U	U	U	U
Strongsville	E*	A	U	U	U
University Heights	E*	E	E	U	E
Walton Hills	A	A	U	U	A

\* Indicates residential restriction for specific category mental illnesses.

**Table 6: Residential Facility Resident Restrictions in Geauga County**

<b>Jurisdiction</b>	<b>Mental Illness</b>	<b>Mental or Physical Disability</b>	<b>Criminal Record</b>	<b>Communicable Disease</b>	<b>Rehabilitative Services for Addiction</b>
Bainbridge	U	U	U	U	U
Chardon	A	A	U	U	U
Chardon Township	U	U	U	U	U
Claridon	U	U	U	U	U
Hambden	U	U	U	U	U
Huntsburg	U	U	U	U	U
Middlefield	A	A	A	U	A
Middlefield Township	A	A	A	U	A
Parkman	U	U	U	U	U
Thompson	U	U	U	U	U

**Table 7: Residential Facility Resident Restrictions in Lake County**

<b>Jurisdiction</b>	<b>Mental Illness</b>	<b>Mental or Physical Disability</b>	<b>Criminal Record</b>	<b>Communicable Disease</b>	<b>Rehabilitative Services for Addiction</b>
Concord Township	U	U	U	E	E
Leroy Township	U	A	U	U	U
Mentor City	U	U	U	U	U
North Perry Village	U	U	U	U	U
Painesville	U	U	E	U	E
Willoughby	E	A	U	U	E
Willoughby Hills	U	A	U	U	U

**Table 8: Residential Facility Resident Restrictions in Lorain County**

<b>Jurisdiction</b>	<b>Mental Illness</b>	<b>Mental or Physical Disability</b>	<b>Criminal Record</b>	<b>Communicable Disease</b>	<b>Rehabilitative Services for Addiction</b>
Amherst	U	A	U	U	U
Avon	U	A	A	U	U
Avon Lake	U	A	E	U	E
Camden	U	E*	U	E*	U
Eaton	U	A	E	U	U
Elyria	U	A	A	U	A
Elyria Township	A	A	A	U	A
Grafton	U	U	U	U	U
Lorain, City	U	A	A	U	A
Wellington	U	U	U	U	U

\* Indicates residential restriction for specific category of physical or mental disability and communicable disease.

**Table 9: Residential Facility Resident Restrictions in Medina County**

<b>Jurisdiction</b>	<b>Mental Illness</b>	<b>Mental or Physical Disability</b>	<b>Criminal Record</b>	<b>Communicable Disease</b>	<b>Rehabilitative Services for Addiction</b>
Brunswick	U	A	U	U	U
Brunswick Hills	U	U	U	U	U
Medina, City	U	U	A	U	A
Monteville	U	A	U	U	U
Sharon	U	A	U	U	U
Spencer	U	A	U	U	U

## Special Restrictions on Group Home and Residential Facility Access in Cuyahoga County

Four communities in Cuyahoga County place especially burdensome group home and residential facility restrictions: The City of Mayfield Heights, The City of Parma Heights, the City of Shaker Heights, and the City of University Heights. The Federal Fair Housing Act prohibits land-use policies that treat people with disabilities or those of any protected class less favorably than groups of people without disabilities, or those not in a protected class.<sup>69</sup>

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.<sup>70</sup> 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 must 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.”<sup>71</sup>

In addition to placing density restrictions on residential facilities, The City of Parma Heights designates that community residential facilities cannot admit residents discharged from correctional facilities or Ohio Department of Youth Services in the last ten years; anyone under probation, parole, or conditional release; being treated for drug abuse or alcohol abuse; or being found incompetent to stand trial or found not guilty by reason of insanity.<sup>72</sup>

The City of Shaker Heights designates that residential care homes can only serve 4 to 8 individuals at a time, while also placing density restrictions on residential care homes. In addition to density restrictions and smaller residential limits, The City of Shaker Heights also denies access to individuals “addicted to alcohol or narcotic drugs or are criminal offenders serving on work release or probationary programs” from residing in that residential care homes.<sup>73</sup>

The City of University Heights specifies that group homes do not include any type of court ordered rehabilitation living arrangements, or care, treatment, or rehabilitative serves for “severely mentally retarded or psychotic individuals, releases from federal state or county treatment or penal institutions, juvenile offenders, drug or alcohol offenders or wards of the court or welfare system.”<sup>74</sup> Moreover, rehabilitation facilities that provide services to justice involved adults and youth, people with severe mental disabilities, drug or alcoholic offenders, or considered “psychotic” are not permitted within the city. Lastly, group homes cannot be located within a 2,000-foot radius of another group home facility.

To increase housing choice for people with disabilities, the Fair Housing Center recommends that municipalities remove their density regulations for group homes and residential facilities. Previous research conducted by the Fair Housing Center illustrates that group home and residential facility density requirements, along with other siting and vacancy issues, can severely limit the number of parcels available for group home and residential facility residences. Municipalities that place further restrictions on who can access group home and residential facilities further limits housing choice for people with disabilities. Some of the residential restrictions and density requirements municipalities have in their ordinances and zoning code may violate fair housing law.

# Fair Housing Administrative Complaints in Northeast Ohio

The Fair Housing Center has collected and analyzed data on all fair housing complaints filed with HUD in the six-county region from 1998 to 2022.<sup>75</sup> This section provides an analysis of fair housing complaints in Northeast Ohio across four time periods. First, this section provides an analysis of trends in fair housing complaints from 2021 to 2022. Next, this section provides an analysis of trends in fair housing complaints over the last 25 years in Northeast Ohio and ends with comparing trends in fair housing complaints between 2013 to 2017 and 2018 to 2022. Overall, The Fair Housing Center's analysis of fair housing complaints in Northeast Ohio found:

- There were 117 housing complaints filed in 2022, a 13.59% increase over the number of complaints filed in 2021. The most common bases of discrimination in 2022 were disability (41.03%), race (21.37%), and cases alleging retaliation (13.68%). From 2021 to 2022, there was an increase in the number of complaints alleging discrimination based on race, color, national origin, sex, familial status, and alleging retaliation.
- From 1998 to 2022, an average of 143.5 fair housing complaints were filed each year in Northeast Ohio. On average, the number of complaints filed in the region has increased by 9.7% per year. The most common bases of discrimination alleged in complaints from 1998 to 2022 were disability (33.58%), race (25.50%), and familial status (18.09%). Nearly three-quarters of complaints in Northeast Ohio were filed in Cuyahoga County.
- In the past five years (2018-2022), there were 483 complaints filed with HUD, for an average of 96.6 complaints per year, decreasing from 170.2 per year in the period of 2013 to 2017. There is a 43.24% decrease in the total number of complaints filed between 2018-2022 and 2013-2017. Complaints filed on basis of race, familial status, sex, and religion all decreased by at least 40% between 2013 to 2017 and 2018 to 2022.

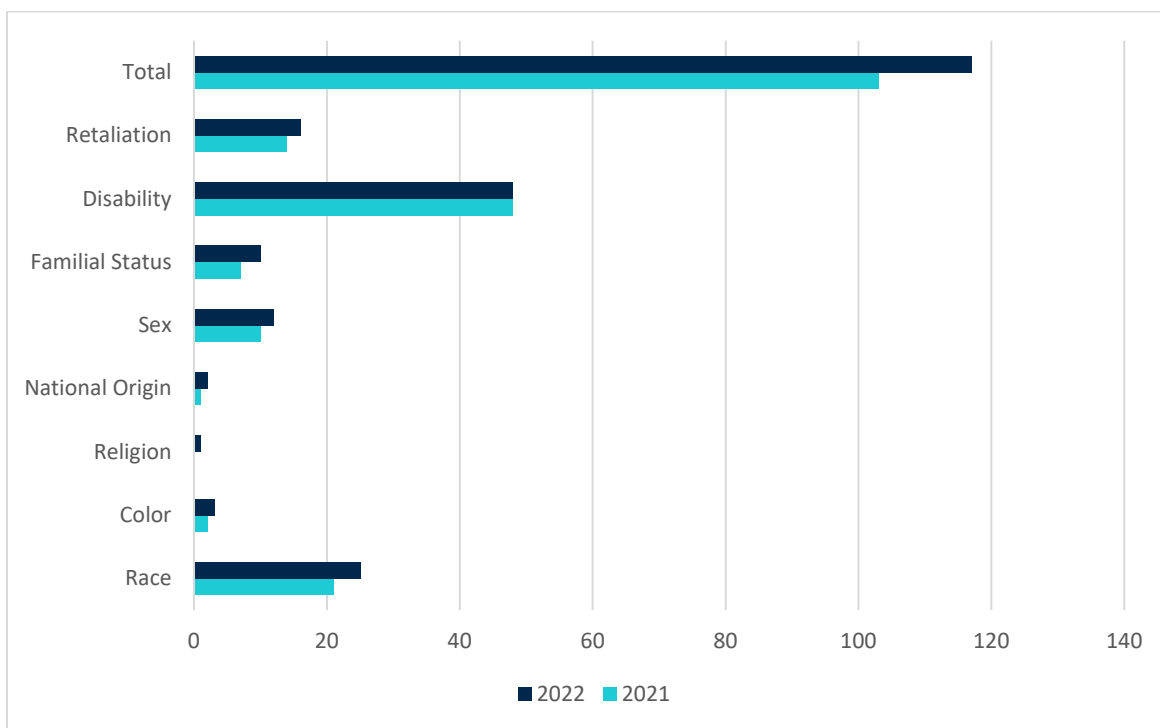
This data provides a *partial* snapshot of the prevalence of housing discrimination occurring in Northeast Ohio. Housing discrimination takes many forms and occurs in many types of housing transactions. An overwhelming number of housing discrimination cases go undetected and/or unreported because many instances of discrimination are hard to identify or document, and housing providers may engage in many types of discrimination that are undetectable.<sup>76</sup> Individuals who experience discrimination may not file complaints for a myriad of reasons, including fear of retaliation or eviction by housing providers, lack of trust in state and non-profit institutions, or feel that filing a complaint will not be worth their effort. Although the data reveals a reduction in the overall number of complaints filed between 2013 to 2017 and 2018 to 2022, it is not necessarily an indication of less discrimination occurring for the reasons noted above. Further, The Fair Housing Center's own in-house complaint data (See page XX of this report.) documents significant increases in complaints over the past 5 years. Most complaints reported to The Fair Housing Center are not filed with HUD, often because The Fair Housing Center is able to provide direct assistance resolving the fair housing concern without the need for a formal complaint.

## Fair Housing Complaints in Northeast Ohio from 2021-2022

This section provides an analysis of fair housing complaints filed with HUD in Northeast Ohio between 2021 and 2022. The data revealed that between 2021 and 2022 (see Figure 1 and Table 10):

- There were 117 housing complaints filed in 2022, a 13.59% increase over the number of complaints filed in 2021.
- In 2022 complaints based on race accounted for 21.37% of the total cases, compared to 41.03% for disability and 13.68 % for experiencing retaliation.
- In 2022 complaints based on familial status accounted for 8.55% of the total; sex, 10.26%; national origin, 1.71%; religion 1%; and color, 2.56%.
- In 2022 complaints based on race, sex, and familial status made up a greater percentage of total complaints compared to 2021, while complaints based on disability represented a smaller percentage of total complaints over the same time period.
- The number of complaints based on race, color, religion, national origin, sex, familial status, and retaliation all increased between 2021 and 2022.

**Figure 1: Fair Housing Complaints Filed with HUD in 2021 and 2022**



Source: Fair Housing Center analysis of HUD Complaint Data.

**Table 10: Fair Housing Complaints Filed with HUD in 2021 and 2022**

Year	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
2021	21	2	0	1	10	7	48	14	103
2022	25	3	1	2	12	10	48	16	117
Percent of Total 2021	20.39%	1.94%	0.00%	0.97%	9.71%	6.80%	46.60%	13.59%	100%
Percent of Total 2022	21.37%	2.56%	0.85%	1.71%	10.26%	8.55%	41.03%	13.68%	100%

Source: Fair Housing Center analysis of HUD Complaint Data.

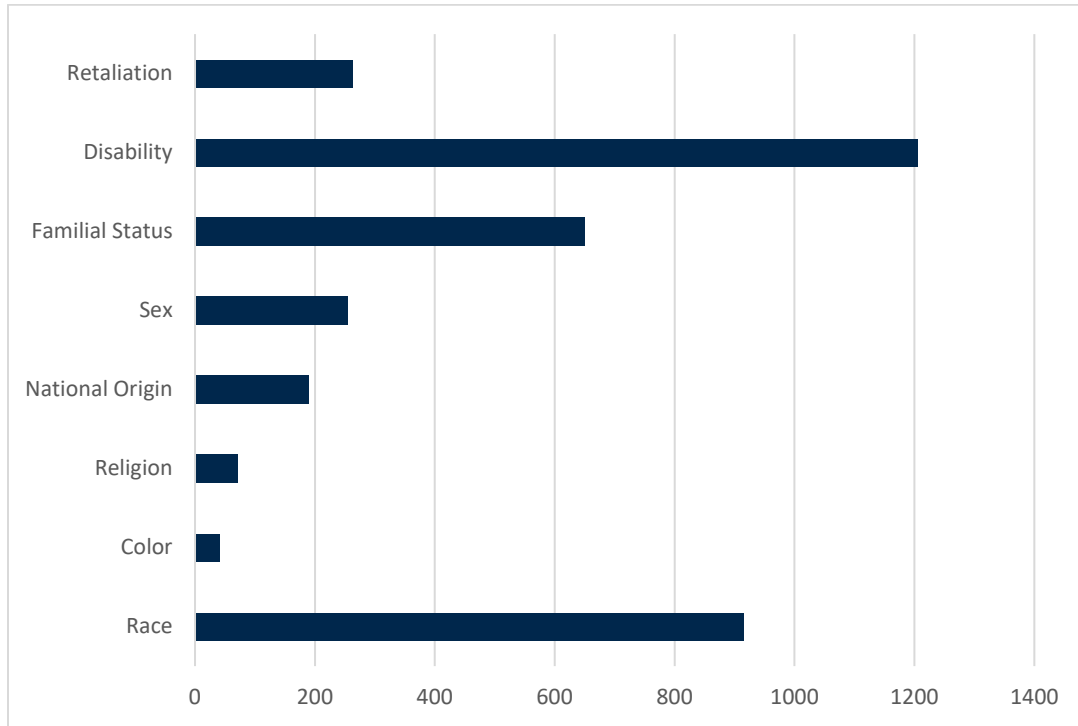
## Analysis of Fair Housing Complaints in Northeast Ohio from 1998-2022

The Fair Housing Center has collected and analyzed data on all complaints filed with HUD in the six-county region from 1998 to 2022.<sup>77</sup> The data revealed that (see Figure 2, Figure 3, and Table 11):

- On average, 143.5 complaints were filed each year in Northeast Ohio, with a standard deviation of 60.11 complaints.
- Cases filed alleging discrimination based on race accounted for 25.50% of the total cases, compared to 33.58% for disability, and 18.09% for families with children.
- Complaints based on national origin accounted for 5.3% of the total; sex, 7.11%; religion, 1.98%; and color, 1.11%.
- There is variability in the total number of complaints on a yearly basis between 1998 and 2022. Across the past 25 years, there were five years where fewer than 100 complaints were filed, ten years where between 100 and 149 complaints were filed, seven years where between 150 and 199 complaints were filed, and three years where 200 or more complaints were filed.<sup>78</sup>
- In the past twenty-five years there were three years where complaints were at least 1 standard deviation below the mean (1998, 2001, and 2002) and three years where complaints were at least 1 standard deviation above the mean (2008, 2009, and 2014). In 2014 the reported complaints were approximately 3 standard deviations above the mean (z-score of 2.91).
- Nearly three-quarters of the complaints (74.92%) were filed in Cuyahoga County.<sup>79</sup>

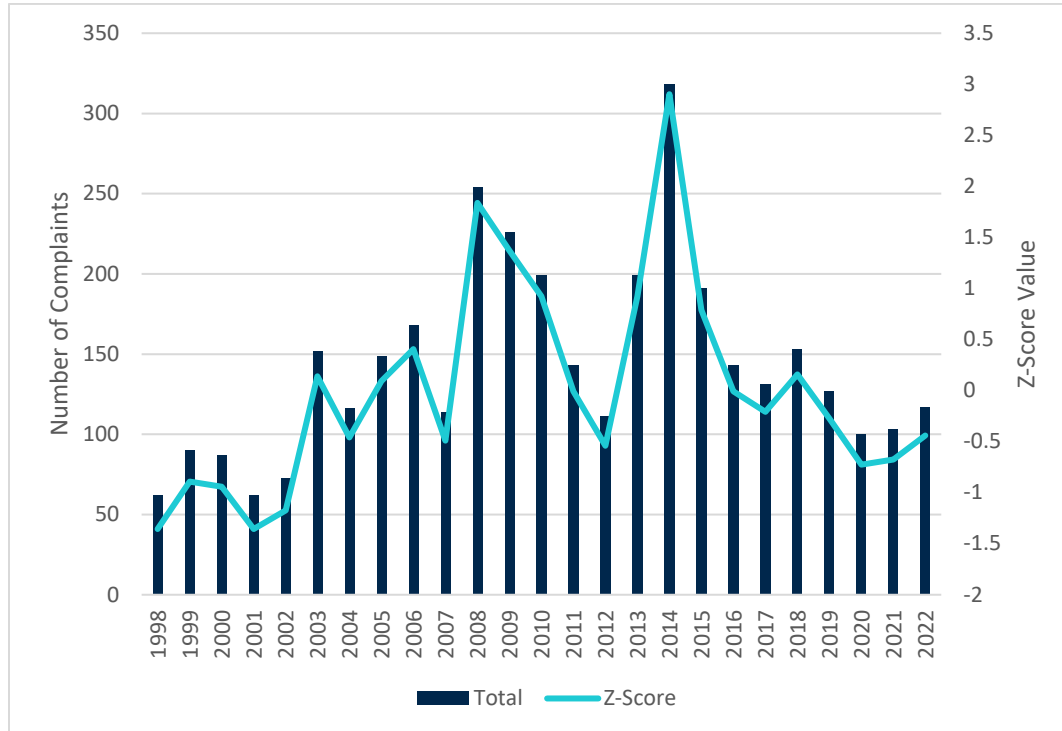
To compare rates of complaints across counties, The Fair Housing Center undertook an analysis of the complaints filed in the region per 100,000 residents from 1998 to 2022. During this 25-year period, 6.6 complaints were filed on average per year per 100,000 people in the six-county region. Cuyahoga County had the highest incidence of complaints with 8.6 per 100,000 people. Lake County had the second-highest incidence of complaints with 5.1 complaints per 100,000 people. Ashtabula, Medina, and Lorain Counties had incidences of complaints at 4.8, 3.5, and 3.3 per 100,000 people, respectively, while Geauga County had the lowest incidence at 2.9 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 funding 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 in Region from 1998 to 2022**



Source: Fair Housing Center analysis of HUD Data

**Figure 3: Fair Housing Complaints Filed with HUD per Year from 1998 to 2022**



Source: Fair Housing Center analysis of HUD Data



**Table 11: Northeast Ohio Fair Housing Complaints Filed with HUD from 1998 to 2022**

	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
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	30	1	4	9	11	7	68	23	153
2019	23	1	2	4	15	10	63	9	127
2020	21	2	2	1	9	3	43	19	100
2021	21	2	0	1	10	7	48	14	103
2022	25	3	1	2	12	10	48	16	117
<b>Total</b>	915	40	71	190	255	649	1,205	263	3,588

Source: Fair Housing Center analysis of HUD Data

## Five-Year Trend Comparisons of Fair Housing Complaints in Northeast Ohio

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 (2013-2017 and 2018-2022; see Figure 4 and Table 12) 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 (2018-2022), there were 483 complaints filed with HUD, for an average of 96.6 complaints per year, decreasing from 170.2 per year in the period of 2013 to 2017. There is a 43.24% decrease in the total number of complaints filed between 2018-2022 and 2013-2017.
- From 2018 to 2022, the most common bases of discrimination alleged in complaints were disability (45.96%), race (19.67%), and retaliation (13.46%), while the most common basis of

discrimination alleged in complaints from 2013 to 2017 were disability (37.37%), familial status (20.45%), and race (19.62%).

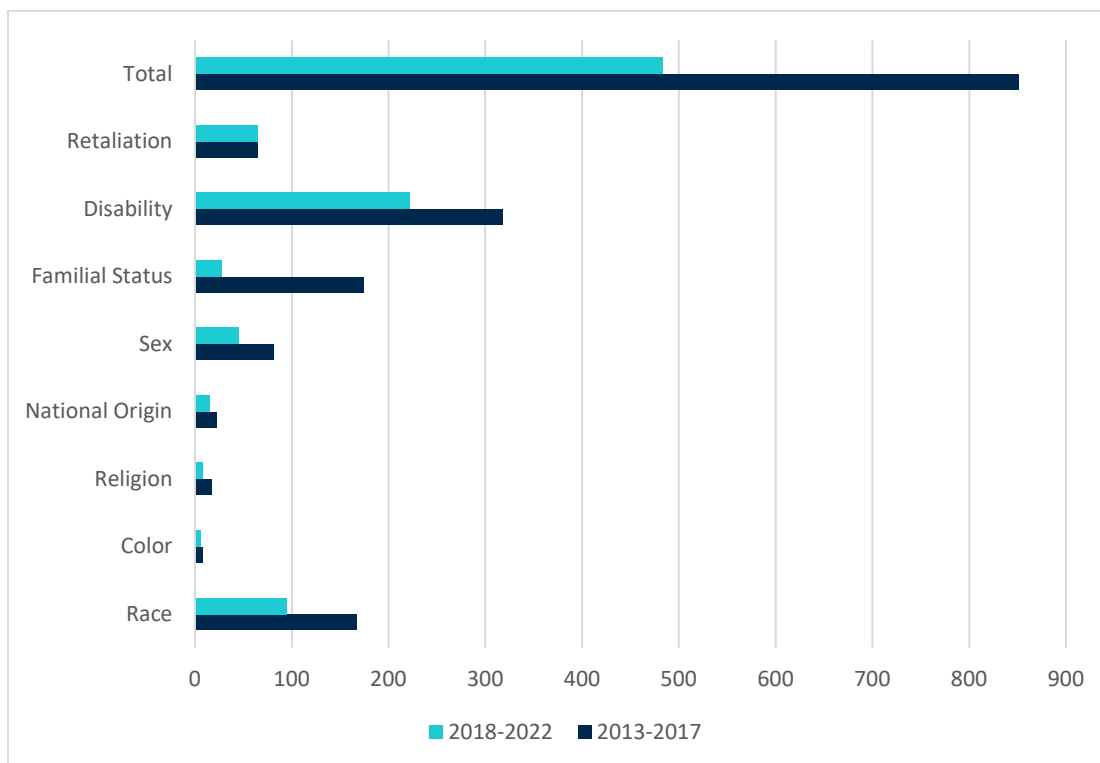
- In the last five years, the number of complaints filed based on familial status decreased 84.48% from 174 filed in between 2013 and 2017 to 27 filed between 2018 and 2022. The number of complaints filed based on race decreased 43.11% from 167 filed between 2013 and 2017 to 95 filed between 2018 and 2022. The number of complaints filed based on sex decreased by 44.44% and the number of complaints based on disability decreased by 30.19% across the same time period. The observed decrease may be heavily influenced by the remarkably high number of complaints filed in 2014.
- In the past five years, complaints based on disability make up a greater percentage of total complaints, increasing from 37.37% between 2013 and 2017 to 45.96% between 2018 and 2022. Next, complaints based on retaliation make up a greater percentage of total complaints, increasing from 7.52% between 2013 and 2017 to 13.46% between 2018 and 2022.

**Table 12: Fair Housing Complaints Filed with HUD over Five-Year Periods as Percent of Total**

Years	Race	Color	Religion	National Origin	Sex	Familial Status	Disability	Retaliation	Total
2013-2017	167	8	17	22	81	174	318	64	851
2018-2022	95	6	8	15	45	27	222	65	483
Percent Change	-43.11%	-25.00%	-52.94%	-31.82%	-44.44%	-84.48%	-30.19%	1.56%	-43.24%
Percent of Total 2013-2017	19.62%	0.94%	2.00%	2.59%	9.52%	20.45%	37.37%	7.52%	100%
Percent of Total 2018-2022	19.67%	1.24%	1.66%	3.11%	9.32%	5.59%	45.96%	13.46%	100%

Source: Fair Housing Center analysis of HUD data.

**Figure 4: Fair Housing Complaints Filed with HUD over Five-Year Periods**



Source: Fair Housing Center analysis of HUD data.

## Complaint Trends – The State of Fair Housing in Northeast Ohio

The Fair Housing Center’s analysis of HUD complaint data across four time periods provides insights into assessing the state of fair housing in Northeast Ohio (see Table 13). Some things have persisted through time. The majority of complaints are filed in Cuyahoga County, which may be directly connected the number of rental units in the county, racial demographics of the area, and presence of housing enforcement and advocacy agencies in the county. Further, complaints filed on the basis of disability and race have consistently made up a large percentage of complaints across all time periods The Fair Housing Center analyzed for this report.

The data also revealed there may be some ongoing shifts among the bases of discrimination being reported by Northeast Ohioans. Over the past twenty-five years, familial status has been among the leading bases of discrimination alleged among complaints filed, but in recent years has been surpassed by complaints of retaliation. As noted above, there has been significant variability in the number of complaints filed in Northeast Ohio over the last twenty-five years; however, the number of complaints filed has increased over the last three years.

**Table 13: Cross Time Period Comparison of Fair Housing HUD Complaints in Northeast Ohio**

<b>Percent of Total Position</b>				
<b>Time Period Comparison</b>	<b>Average</b>	<b>Highest</b>	<b>Second</b>	<b>Third</b>
1998 to 2022	143.52	Disability (33.58%)	Race (25.50%)	Familial Status (18.09%)
2013 to 2017	170.2	Disability (37.37%)	Familial Status (20.45%)	Race (19.62%)
2018 to 2022	96.6	Disability (45.96%)	Race (19.60%)	Retaliation (13.46%)
2022	117	Disability (41.03%)	Race (21.37%)	Retaliation (13.68%)

Source: Fair Housing Center analysis of HUD data.

It is beyond the scope of the report to pinpoint exactly why we see the trends reported in the data. With that said, the report analysis demonstrates that fair housing complaints are again on the rise in Northeast Ohio. The increases observed between 2021 and 2022 probably fail to capture the full breadth and increase of housing discrimination in the region. In combination with other trends reported on in this report, Northeast Ohio has yet to fully realize the goals of the Fair Housing Act.

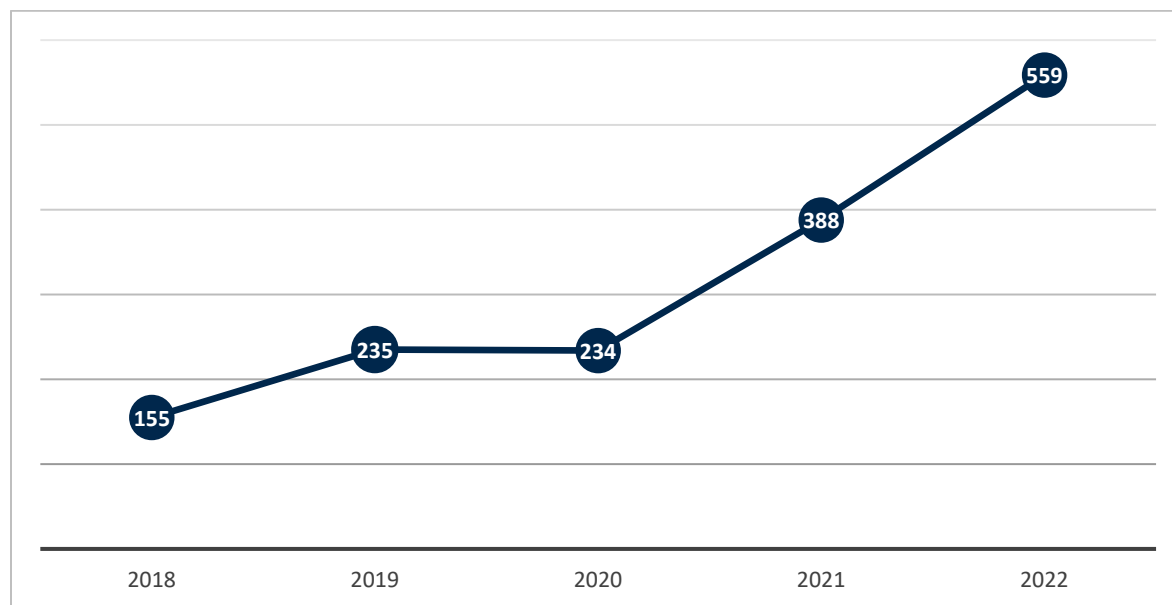
# Analysis of Discrimination Complaints Received by The Fair Housing Center

From 2018 to 2022, the number of discrimination complaints reported to The Fair Housing Center increased dramatically. The Fair Housing Center conducts complaint intake and preliminary investigation at no cost to victims of housing discrimination. This may entail assistance filing an administrative complaint, direct engagement, education, or advocacy with a housing provider on a tenant's behalf, testing, or other information-gathering in connection with a complaint. The Fair Housing Center has collected and analyzed data on all fair housing complaints reported to The Fair Housing Center from 2018 to 2022.<sup>80</sup> Overall, The Fair Housing Center's analysis of fair housing complaints found (see Figure 5 and Table 14):

- From 2018 to 2022, The Fair Housing Center received and processed 1,571 complaints, for an average of 314.2 fair housing complaints each year. The most common bases of discrimination alleged in complaints were disability (63.21%), race (21.20%), and sex (11.14%).
- Fair Housing Center complaint intakes increased from 155 complaints in 2018 to 559 complaints in 2022, a remarkable 261% increase. In other words, The Fair Housing Center received 2.6 times more housing discrimination complaints in 2022 than it did in 2018.
- From 2018 to 2022 the number of complaints received by The Fair Housing Center based on disability increased by 196%, rising from 112 complaints in 2018 to 331 in 2022.
- From 2018 to 2022 the number of complaints received by The Fair Housing Center based on race increased by 291%, rising from 32 complaints in 2018 to 125 in 2022.
- Between 2018 and 2022 the total number of complaints received per year also increased on the following bases: criminal history, domestic violence, familial status, national origin, religion, sex, color, sexual orientation, gender identity, age, retaliation, and source of income.
- Over 95% of the complaints received by The Fair Housing Center are rental-related. This is due primarily to the fact that rental transactions are the most frequent type of housing transaction and discrimination is often easier to detect in this type of transaction.

This data provides a *partial* snapshot of the prevalence of housing discrimination occurring in Northeast Ohio. Housing discrimination takes many forms and occurs in many types of housing transactions, including rental, real estate sales, mortgage lending, insurance, and in the design and construction of covered multifamily housing. Even though this analysis illustrates a substantial increase in discrimination complaints received and processed by The Fair Housing Center, far more discrimination occurs and is unreported.

**Figure 5: Number of Fair Housing Complaints Processed by The Fair Housing Center (2018 – 2022)**



Source: Fair Housing Center for Rights & Research

**Table 14: Fair Housing Complaints Processed by The Fair Housing Center by basis (2018-2022)**

	2018	2019	2020	2021	2022	Percent of		Average
						5 Year Total	5 Year Total	
Intakes Conducted	155	235	234	388	559	1571	-	314.2
Race	32	45	36	95	125	333	21.20%	66.6
Disability	112	169	159	222	331	993	63.21%	198.6
Familial Status	8	57	14	28	25	132	8.40%	26.4
Sex	21	25	17	52	60	175	11.14%	35
National Origin	5	10	5	10	8	38	2.42%	7.6
Color	0	3	1	4	3	11	0.70%	2.2
Religion	4	4	4	8	9	29	1.85%	5.8
Sexual Orientation	4	7	3	3	12	29	1.85%	5.8
Gender Identity/ Expression	1	0	3	2	7	13	0.83%	2.6
Marital Status	0	2	0	4	0	6	0.38%	1.2
Military Status	3	0	1	1	0	5	0.32%	1
Age	3	4	2	7	8	24	1.53%	4.8
Retaliation	4	0	15	20	10	49	3.12%	9.8
Criminal History	9	17	18	40	60	144	9.17%	28.8
Domestic Violence	6	5	4	9	17	38	2.42%	7.6
Source of Income	4	28	9	27	24	92	5.86%	18.4

Source: Fair Housing Center for Rights & Research

# Recommendations

This section outlines the Fair Housing Center’s 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, illustrates that our region has failed to address the historical impacts of redlining and predatory lending, and has yet to accomplish the goals of the Fair Housing Act. 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 inequity in the region.

## Recommendations to Local and State Level Policy Makers and Legislators

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:

### **Structure local and regional approaches to creating equitable access to housing around addressing the lasting impacts of redlining and predatory lending on Black, Indigenous, and Other People of Color.**

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.<sup>81</sup> Many of the policy recommendations below provide an approach to addressing the lasting impacts of redlining, dismantling discrimination in housing, and ensuring equitable access to housing and opportunity. There is no panacea, but policy makers and legislators can prioritize addressing the historical impacts of housing discrimination and its current manifestations by implementing a variety of policies. The Fair Housing Center recommends local, regional, and state level policy makers strengthen renter rights, create 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 and high-quality home loans throughout the entire region.

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

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.<sup>82</sup> 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. The Fair Housing Center recommends that local policy makers eliminate single family and Mrs. Murphy exemptions from local ordinances and zoning code.

## **Strengthen Fair Housing Laws.**

Federal, state, and local fair housing laws should protect a broader class of individuals than currently protected by federal and state law. The Fair Housing Center recommends state and local policy makers strengthen fair housing law by:

- Prohibiting discrimination based on age, gender identity, marital status, sexual orientation, and status as a victim of domestic violence.
- 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.
- Prohibit discrimination based on source of income, ensuring that individuals who receive housing subsidies (including “Housing Choice Vouchers”) or other rental assistance are not discriminated against on that basis.
- Limit housing providers' consideration of certain criminal records by enacting fair chance housing protections in connection with a housing transaction.

Enacting these recommendations is necessary because a series of decisions made over the past decade by the 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 Ohioans to bring fair housing cases, and limit the ability of the courts to issue appropriate remedies under state law.

## **Repeal local criminal activity nuisance ordinances as such ordinances that penalize renters; people of color; victims of domestic violence, dating violence, stalking, or sexual assault; and people with disabilities.**

Local criminal activity nuisance ordinances (CANOs) can disproportionately negatively impact renters, people of color, victims of domestic violence, and people with disabilities. Nuisance ordinances penalize property owners when calls are made to law enforcement in response to an activity deemed “criminal activity.” These ordinances require owners to abate the so-called “nuisance”. When the complaint involves a rental property, abatement often calls for or results in eviction of the tenant household. The Fair Housing Center recommends local policy makers repeal all CANOs in Northeast Ohio. It should be noted that the Fair Housing Center has made this recommendation and provided letters to jurisdictions throughout Northeast Ohio about the detrimental impacts of these ordinances over the last several years. Very few jurisdictions have repealed their CANOs or amended language designating domestic violence as a criminal nuisance activity.

## **Expand federal, state, and local protections for victims of domestic violence, stalking, and sexual assault from housing discrimination.**

The Fair Housing Center recommends that legislators create statewide legislation to protect survivors from domestic violence, stalking, and sexual assault from housing discrimination in all housing. Thirty-three states across the nation have enacted laws to protect victims of domestic violence in private rental housing. Ohio is not currently one of those states. 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 by prohibiting property owners from evicting survivors following an instance of domestic violence.



### **Remove all restrictive language in group home and residential facility zoning ordinances.**

The Fair Housing Center recommends jurisdictions remove minimum distance requirements for group homes and residential facilities, and have all zoning department and committee staff receive additional training on reasonable accommodations in housing law. Next, the Fair Housing Center recommends local policy makers remove language that excludes residents on the basis of disabilities such as drug and alcohol addiction and communicable diseases or allow group home operators to decide when a resident does or does not pose a health or safety threat to other residents on a case-by-case basis.

### **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 housing providers and tenants.
- Collaborate across departments, administrative boundaries, and levels of government to streamline code enforcement processes.

### **Devote increased resources to continue to fund comprehensive local fair housing programs, including enforcement, client intake and assistance, testing, research, education, and advocacy.**

Local private fair housing organizations, like the Fair Housing Center, process and assist in the majority of reported housing discrimination complaints, monitor for fair housing compliance through testing programs, provide Fair Housing trainings to housing providers and professionals, and educate the public about fair housing laws and their rights under the Fair Housing Act. The Fair Housing Center continues to uncover a variety of forms of discrimination in housing through its testing program and client intake and assistance program. Many victims of housing discrimination are unaware of their rights under federal, state, and especially local laws and the avenues available to enforce those rights. Increased resources should be devoted to education on fair housing laws, complaint procedures, fair housing enforcement, and other advocacy and research activities. It is time to evaluate current practices and develop effective solutions to eliminate segregation and promote diverse communities. Given the increasing and continued need for fair housing enforcement, client intake assistance, education, advocacy, and research on fair housing policy issues, the Fair Housing Center recommends local, state, and federal policy makers devote increased resources to continue to fund comprehensive local fair housing programs. 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.

### **Enforce fair housing laws more vigorously to "affirmatively further fair housing."**

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." Recipients of HUD funds are obligated to take meaningful action to affirmatively further fair housing through combating discrimination and promoting integration, transforming areas of concentrated poverty into areas of opportunity, and creating inclusive communities through eliminating barriers that restrict access to

opportunity for individuals with protected characteristics. While having strong laws is important, without vigorous enforcement, housing discrimination will continue. Without intentional planning and policy efforts to eliminate barriers to accessing high quality housing and transforming areas of concentrated poverty into areas of opportunity, segregated living patterns and inequitable access to high quality public resources will persist. The Fair Housing Center believes 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 choice study and continually working to identify impediments to fair housing in their community.

## Recommendations for Creating More Inclusive Communities

There are concrete steps governmental officials, advocates, and enforcement groups can do to create more inclusive communities that support the well-being of all residents, while also assuaging the deleterious impacts of redlining, predatory lending, institutional racism, and the intentional exclusion of individuals and groups with a protected status under fair housing laws. To create more inclusive communities throughout Northeast Ohio, the Fair Housing Center Recommends:

### **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.<sup>83</sup> 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.<sup>84</sup> 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 submits a complete application.

- Introducing legislation to cap rent increases and require 90-day notice of intent to increase rent.
- 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 record is made public.
- Enacting fair chance housing legislation, prohibiting or limiting housing providers' consideration of specified criminal records in connection with consideration for housing.
- Enforcing HUD guidance prohibiting housing providers from maintaining blanket bans on renting individuals with criminal records.
- Repealing group home restrictions in local ordinances that exclude or restrict supportive housing programs for formerly incarcerated persons and individuals in alcohol and substance use recovery programs.
- Increasing funding for and promoting tenant-landlord mediation programs to resolve disputes outside of court.
- Prohibiting housing providers' blanket bans of potential tenants with lower credit scores and including credit score as a tenant protection.
- Continue and Expand COVID-19-Related Rent Assistance, Utility Assistance, and Mortgage Relief Programs.

**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.<sup>85</sup> Moreover, from 2019-2021 median household income decreased by 2 percent, while median rent rose by 3 percent. As a result of these changes, the median residual income – the amount of income left over after paying rent and utilities – for renters dropped by 5%, leaving renter households with \$130 less each month. Low-income renters have been hit especially hard by pandemic job losses and rising rents, with renter households with earning under \$30,000 having roughly \$380 left in residual income each month.<sup>86</sup>

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. The Fair Housing Center recommends that policy makers throughout the region increase the minimum wage and enact universal basic income across the region. Enacting this type of legislation could offer all residents better access to high-quality, stable housing options.

## Appendix A: Fair Housing 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.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup>

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.

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<sup>1</sup> 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 over cases alleging violations of the accessible design & construction requirements applicable to new multi-family construction and cases of third party liability.

<sup>2</sup> 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.

<sup>3</sup> 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).

## Appendix B: Methodology for Analysis of Fair Housing Complaints

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 offices.

Because of an agreement with HUD, fair housing cases filed directly with the OCRC were also logged into HUD's complaint database, Title Eight Automated Paperless Office Tracking System (TEAPOTS) and are now also logged into the HUD Enforcement Management System (HEMS), if the complaint is jurisdictional under both federal and state fair housing laws. 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.<sup>4</sup> 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.

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<sup>4</sup> Starting in 2009, HUD began retaining jurisdiction of cases alleging violations of the accessibility provisions for new multi-family construction.

## Appendix C: Administrative Fair Housing Complaints by County

### Ashtabula County Fair Housing Complaints

	<b>Race</b>	<b>Color</b>	<b>Religion</b>	<b>National Origin</b>	<b>Sex</b>	<b>Familial Status</b>	<b>Disability</b>	<b>Retaliation</b>	<b>Total</b>
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
2019	1	0	0	0	0	2	2	0	5
2020	0	0	0	0	0	0	1	1	2
2021	1	0	0	0	0	0	1	1	3
2022	0	0	0	0	1	0	1	2	4
<b>Total</b>	<b>23</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>18</b>	<b>77</b>	<b>6</b>	<b>128</b>

Source: HUD

## Cuyahoga County Fair Housing Complaints

	<b>Race</b>	<b>Color</b>	<b>Religion</b>	<b>National Origin</b>	<b>Sex</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
2022	24	2	1	1	10	8	39	14	99
<b>Total</b>	<b>910</b>	<b>34</b>	<b>64</b>	<b>181</b>	<b>216</b>	<b>539</b>	<b>863</b>	<b>208</b>	<b>3015</b>

Source: HUD

## Geauga County Fair Housing Complaints

	<b>Race</b>	<b>Color</b>	<b>Religion</b>	<b>National Origin</b>	<b>Sex</b>	<b>Familial Status</b>	<b>Disability</b>	<b>Retaliation</b>	<b>Total</b>
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
2019	1	0	0	1	0	1	2	0	5
2020	1	0	0	0	0	0	1	2	4
2021	0	0	0	0	0	0	0	0	0
2022	0	0	0	0	0	1	1	0	2
<b>Total</b>	<b>16</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>10</b>	<b>27</b>	<b>8</b>	<b>68</b>

Source: HUD



## Lake County Fair Housing Complaints

	<b>Race</b>	<b>Color</b>	<b>Religion</b>	<b>National Origin</b>	<b>Sex</b>	<b>Familial Status</b>	<b>Disability</b>	<b>Retaliation</b>	<b>Total</b>
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
2019	0	0	0	0	0	1	5	0	6
2020	2	0	0	0	0	1	4	0	7
2021	3	0	0	0	1	1	1	0	6
2022	0	0	0	0	0	0	1	0	1
<b>Total</b>	<b>60</b>	<b>4</b>	<b>1</b>	<b>14</b>	<b>17</b>	<b>57</b>	<b>160</b>	<b>8</b>	<b>321</b>

Source: HUD

## Lorain County Fair Housing Complaints

	<b>Race</b>	<b>Color</b>	<b>Religion</b>	<b>National Origin</b>	<b>Sex</b>	<b>Familial Status</b>	<b>Disability</b>	<b>Retaliation</b>	<b>Total</b>
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	3	0	4
2019	1	1	0	0	3	0	2	1	8
2020	0	0	0	0	0	0	3	1	4
2021	1	0	0	0	1	1	2	1	6
2022	0	0	0	0	0	0	2	0	2
<b>Total</b>	<b>69</b>	<b>4</b>	<b>8</b>	<b>16</b>	<b>24</b>	<b>55</b>	<b>83</b>	<b>29</b>	<b>288</b>

Source: HUD

## Medina County Fair Housing Complaints

	<b>Race</b>	<b>Color</b>	<b>Religion</b>	<b>National Origin</b>	<b>Sex</b>	<b>Familial Status</b>	<b>Disability</b>	<b>Retaliation</b>	<b>Total</b>
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
2019	1	0	0	0	1	0	2	1	5
2020	2	0	0	0	0	0	1	1	4
2021	1	0	0	0	0	1	3	0	5
2022	0	0	0	0	1	0	4	0	5
<b>Total</b>	<b>26</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>12</b>	<b>48</b>	<b>69</b>	<b>8</b>	<b>166</b>

Source: HUD

## Appendix D: Z-Scores for Fair Housing Complaints filed with HUD across Northeast Ohio

<b>Year</b>	<b>Z Score</b>
1998	-1.35617
1999	-0.89036
2000	-0.94027
2001	-1.35617
2002	-1.17317
2003	0.141073
2004	-0.45782
2005	0.091165
2006	0.407249
2007	-0.49109
2008	1.837944
2009	1.372136
2010	0.922965
2011	-0.00865
2012	-0.541
2013	0.922965
2014	2.902647
2015	0.789877
2016	-0.00865
2017	-0.20828
2018	0.157709
2019	-0.27483
2020	-0.724
2021	-0.67409
2022	-0.44119

## Appendix E: Percent Change per Year for Administrative Fair Housing Complaints Filed with HUD across Northeast Ohio from 1998-2022

Year	Total	Percent Change Per Year
1998	62	-
1999	90	45.16%
2000	87	-3.33%
2001	62	-28.74%
2002	73	17.74%
2003	152	108.22%
2004	116	-23.68%
2005	149	28.45%
2006	168	12.75%
2007	114	-32.14%
2008	254	122.81%
2009	226	-11.02%
2010	199	-11.95%
2011	143	-28.14%
2012	111	-22.38%
2013	199	79.28%
2014	318	59.80%
2015	191	-39.94%
2016	143	-25.13%
2017	131	-8.39%
2018	153	16.79%
2019	127	-16.99%
2020	100	-21.26%
2021	103	3.00%
2022	117	13.59%
Average	143.52	9.77%

# Endnotes

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- <sup>1</sup> Joint Center for Housing Studies. *America's Rental Housing, 2022*. Accessed: [https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard\\_JCHS\\_Americas\\_Rental\\_Housing\\_2022.pdf](https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_Americas_Rental_Housing_2022.pdf)
- <sup>2</sup> Desmond M, Gershenson C. Who gets evicted? assessing individual, neighborhood, and network factors. *Soc Sci Res.* 2017;62:362-377. doi:10.1016/j.ssresearch.2016.08.017.
- <sup>3</sup> Richter, F. G.- C., Urban, A.H., Coluton, C., Steh, S., Chan, T., 2019; Vacant and Abandoned Property Action Council, 2022.
- <sup>4</sup> Airgood-Obyrycki W, Hermann A, Weeden S. (2021). The Rent Eats First: Rental Housing Unaffordability in the US. Accessed: [https://www.jchs.harvard.edu/sites/default/files/research/files/harvard\\_jchs\\_rent\\_eats\\_first\\_airgood-obrycki\\_hermann\\_wedeem\\_2021.pdf](https://www.jchs.harvard.edu/sites/default/files/research/files/harvard_jchs_rent_eats_first_airgood-obrycki_hermann_wedeem_2021.pdf)
- <sup>5</sup> Airgood-Obyrycki W, Herbert C, Hermann A, Weeden S. (2022). Making the Rent: Household Spending Strategies During the COVID-19 Pandemic. Accessed: [https://www.jchs.harvard.edu/sites/default/files/research/files/harvard\\_jchs\\_making\\_the\\_rent\\_airgood-obrycki\\_et\\_al\\_2022.pdf](https://www.jchs.harvard.edu/sites/default/files/research/files/harvard_jchs_making_the_rent_airgood-obrycki_et_al_2022.pdf)
- <sup>6</sup> Joint Center for Housing Studies Harvard (2022). *America's Rental Housing 2022*. Accessed: <https://www.jchs.harvard.edu/americas-rental-housing-2022>.
- <sup>7</sup> Joint Center for Housing Studies Harvard (2022). *America's Rental Housing 2022*. Accessed: <https://www.jchs.harvard.edu/americas-rental-housing-2022>.
- <sup>8</sup> The United States Department of Housing and Urban Development, "Implementation of the Fair Housing Act's Discriminatory Effects Standard." *Federal Register vol. 78, no. 32* (February 15, 2013).
- <sup>9</sup> The United States Department of Housing and Urban Development, "HUD's Implementation of the Fair Housing Act's Disparate Impact Standard." *Federal Register vol. 85, no. 186* (September 24, 2020).
- <sup>10</sup> The United States Department of Housing and Urban Development, "Reinstatement of HUD's Discriminatory Effects Standard." *Federal Register vol. 88 no. 62* (March 31, 2023).
- <sup>11</sup> The Domestic Policy Council and National Economic Council, "The White House Blueprint for a Renters Bill of Rights." January 25, 2023 <https://www.whitehouse.gov/wp-content/uploads/2023/01/White-House-Blueprint-for-a-Renters-Bill-of-Rights-1.pdf>
- <sup>12</sup> The U.S. Department of Housing and Urban Development, "Implementation of the Office of General Counsel's Guidance on Application of Fair Housing Act Standards to Use of Criminal Records by Providers of Housing and Real Estate-Related Transitions". June 10, 2022. Accessed: <https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidance%20on%20Application%20of%20FHA%20Standards%20to%20the%20Use%20of%20Criminal%20Records%20-%20June%2010%202022.pdf>
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- <sup>14</sup> See National Fair Housing Alliance, "Key AFFH Milestones." Accessed: <https://nationalfairhousing.org/wp-content/uploads/2023/01/Key-AFFH-Milestones-1-19-23.pdf>
- <sup>15</sup> The United States Department of Housing and Urban Development, "Affirmatively Furthering Fair Housing: Proposed Rule." *Federal Register vol. 88, no. 27* (February 9, 2023).
- <sup>16</sup> For more information about protections provided under VAWA see: <https://www.hud.gov/vawa>
- <sup>17</sup> Interagency Task Force on Property Appraisal and Valuation Equity, "Action Plan to Advance Property Appraisal and Valuation Equity: Closing the Racial Wealth Gap by Addressing Mis-valuations for Families and Communities of Color", March 23, 2022. Accessed: <https://pave.hud.gov/sites/pave.hud.gov/files/documents/PAVEActionPlan.pdf>
- <sup>18</sup> Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government Accessed: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

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<sup>19</sup> The term “underserved communities”, as used in Executive Order 13985, refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity”. Examples of underserved communities listed in the referenced equity definition include: Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

<sup>20</sup> Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government Accessed: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

<sup>21</sup> National Fair Housing Alliance, “2022 Fair Housing Trends Reports.” Accessed:

<https://nationalfairhousing.org/wp-content/uploads/2022/11/2022-Fair-Housing-Trends-Report.pdf>

<sup>22</sup> Rice, L. and Swesnik, D. (2012). Discriminatory Effects of Credit Scoring on Communities of Color. National Fair Housing Alliance. <https://nationalfairhousing.org/wpcontent/uploads/2017/04/NFHA-credit-scoring-paper-for-Suffolk-NCLC-symposiumsubmitted-to-Suffolk-Law.pdf>.

<sup>23</sup> Urban Institute. (2022, March 8) Credit Health during the COVID-19 Pandemic: How is your community fairing on credit health measures, 2022, Urban Institute, Retrieved August 8, 2022, from <https://apps.urban.org/features/credit-health-during-pandemic/>.

<sup>24</sup> Cummings, Austin. “Credit Inequality Undermines Access to Fair Housing and Opportunity”. August 30, 2022. <https://www.thehousingcenter.org/credit-inequality-undermines-access-to-fair-housing-and-opportunity/>

<sup>25</sup> See *Mary Louis and Monica Douglas, on behalf of themselves and Similarly Situated Persons, and Community Action Agency of Somerville, Inc v Saferent Solutions, LLC and Metropolitan Management Group, LLC.*, 2022, United States District Court for the District of Massachusetts (Case 1:22-cv-10800). Accessed:

<https://www.cohenmilstein.com/sites/default/files/Complaint%20-%20Louis%20v%20SafeRent%2005252022.pdf>

<sup>26</sup> <https://www.legislature.ohio.gov/legislation/134/hb430>

<sup>27</sup> Dominique, Harley. “Tenant Safeguards in Jeopardy: How Ohio’s HB 430 May Preempt Local Pay-to-Stay Ordinances. Accessed: [https://uclawreview.org/2022/10/11/how-ohios-hb-430-may-preempt-local-pay-to-stay-ordinances/#:~:text=HB%20430%20And%20Preempting%20Rent,from%20enacting%20rent%20control%20ordinances.&text=See%20Ben%20Harrold%2C%20Rent%20Control,Apartment%20Ass'n%20\(Aug.](https://uclawreview.org/2022/10/11/how-ohios-hb-430-may-preempt-local-pay-to-stay-ordinances/#:~:text=HB%20430%20And%20Preempting%20Rent,from%20enacting%20rent%20control%20ordinances.&text=See%20Ben%20Harrold%2C%20Rent%20Control,Apartment%20Ass'n%20(Aug.)

<sup>28</sup> Rosenbaum, Bergh, and Hall “Temporary Pandemic SNAP Benefits Will End in Remaining 35 States in March 2023” (February 6, 2023). Accessed: <https://www.cbpp.org/research/food-assistance/temporary-pandemic-snap-benefits-will-end-in-remaining-35-states-in-march>

<sup>29</sup> See *Ohio Civil Rights Comm’n v. Triangle Real Estate Services, Inc.*, 2007 WL1125842 (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 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.

<sup>30</sup> Frank Ford, “Home Lending in Cuyahoga County: A Report Prepared for the Reinvestment Advisory Subcommittee of the Community Development Committee of Cuyahoga County Council,” Frank Ford Consulting, LLC (March, 2023).

<sup>31</sup> See Cummings, Austin, “Analyzing Disparities in Access to Home Improvement Loans in Cuyahoga County,” Fair Housing Center for Rights & Research, Accessed: <https://www.thehousingcenter.org/analyzing-disparities-in-access-to-home-improvement-loans-in-cuyahoga-county/>.

<sup>32</sup> Lepley, Michael and Mangiarelli, Lenore, “Cuyahoga County Mortgage Lending Patterns,” Fair Housing Center for Rights & Research (July 2018). <https://www.thehousingcenter.org/wp-content/uploads/2018/07/Cuyahoga-County-Mortgage-Lending-Patterns-2018-BEST-FOR-SCREEN.pdf>

<sup>33</sup> Ford, Frank, “Home Lending in Cuyahoga County: A Report Prepared for the Reinvestment Advisory Subcommittee of the Community Development Committee of Cuyahoga County Council,” Frank Ford Consulting, LLC (March, 2023), page 17.

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<sup>34</sup> Lepley, Michael and Mangiarelli, Lenore, “Housing Voucher Discrimination and Race Discrimination and Race Discrimination in Cuyahoga County,” Fair Housing Center for Rights & Research (December 2017). <https://www.thehousingcenter.org/wp-content/uploads/2017/12/Voucher-and-Race-Discrimination.pdf>

<sup>35</sup> 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.).

<sup>36</sup> 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 disability as protected classes. (Fair Housing Amendments Act of 1988, Pub. L. No. 100-430.)

<sup>37</sup> 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.

<sup>38</sup> “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.

<sup>39</sup> HUD Public Affairs, “HUD to Enforce Fair Housing Act to Prohibit Discrimination on the Basis of Sexual Orientation and Gender Identity,” (February 11, 2021).

[https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_21\\_021](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_21_021)

<sup>40</sup> 6 United States Census Bureau, Ancestry. <https://www.census.gov/topics/population/ancestry/about.html>

<sup>41</sup> 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.

<sup>42</sup> 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 disability as protected classes. (Fair Housing Amendments Act of 1988, Pub. L. No. 100-430.)

<sup>43</sup> Codified Ordinances of the City of Elyria § 725.10 (Ord. 96-98. Passed 5-6-96.)

<sup>44</sup> 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 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.).

<sup>45</sup> 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).

<sup>46</sup> 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



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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).

<sup>47</sup> 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).

<sup>48</sup> 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).

<sup>49</sup> Codified Ordinances of the City of Brunswick § 678 (Ord. 69-05. Passed 7-18-05). Codified Ordinances of the City of Rittman § 521.10 (Ord. 7909 passed, 3-12-12, Ord. 7909, passed 12-7-15). Codified Ordinances of the City of Wadsworth § 93.70 (Ord. 13-039, passed 7-16-13).

<sup>50</sup> 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 disability as protected classes. (Fair Housing Amendments Act of 1988, Pub. L. No. 100-430.)

<sup>51</sup> See O.R.C Sections 5119.34(B)(1)(b) and O.R.C Sections 5123.19(A)(5)(a).

<sup>52</sup> Joint Statement of the Department of Justice and the Department of Housing and Urban Development, “State and Local Land Use Laws and Practices and the Application of the Fair Housing Act,” p. 10 (November 10, 2016).

<sup>53</sup> Joint Statement of the Department of Justice and the Department of Housing and Urban Development, “State and Local Land Use Laws and Practices and the Application of the Fair Housing Act,” p. 10 (November 10, 2016).

<sup>54</sup> 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.

<sup>55</sup> 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. 12-13 (November 10, 2016)

<sup>56</sup> See *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); *Larkin v. State of Michigan Department of Social Services*, 89 F.3d 285 (6<sup>th</sup> Cir. 1996); *Moretha Harding, et al. v. City of Toledo*, 443 F. Supp.2d 867 (N.D. Ohio 2007); *Oconomowoc Residential Programs Incorporated v. City of Milwaukee*, 300 F.3d 775 (7<sup>th</sup> Cir. 2002).

<sup>57</sup> Codified Ordinances of the Township of Andover § 1000.82 (June 2000). Codified Ordinances of

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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).

<sup>58</sup> 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.)

<sup>59</sup> 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.

<sup>60</sup> 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).

<sup>61</sup> 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.

<sup>62</sup> 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).

<sup>63</sup> 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).

<sup>64</sup> 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 112-10-12; 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

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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.).

<sup>65</sup> 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.

<sup>66</sup> U.S. Department of Housing and Urban Development, “Eliminating Barriers that may Unnecessarily Prevent Individuals with Criminal Histories from Participating in HUD Programs,” released April 2022.

<sup>67</sup> 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.

<sup>68</sup> 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.).

<sup>69</sup> Joint Statement of the Department of Justice and the Department of Housing and Urban Development, “State and Local Land Use Laws and Practices and the Application of the Fair Housing Act,” p. 10 (November 10, 2016).

<sup>70</sup> 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).

<sup>71</sup> Codified Ordinances of the City of Mayfield Heights, Ohio § 721.03 (Ord. 1986-31. Passed 1-12-1987).

<sup>72</sup> Codified Ordinances of the City of Parma Heights, Ohio § 1189.02.

<sup>73</sup> Codified Ordinances of the City of Shaker Heights, Ohio § 1211.02, § 1222.02(C).

<sup>74</sup> Codified Ordinances of the City of University Heights, Ohio § 1472.26(c), § 1472.27

<sup>75</sup> 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 X.

<sup>76</sup> National Fair Housing Alliance, “Fair Housing Trends Report, 2022”, Accessed: <https://nationalfairhousing.org/wp-content/uploads/2022/11/2022-Fair-Housing-Trends-Report.pdf>

<sup>77</sup> 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 X.

<sup>78</sup> Fair Housing Center calculated Z-scores. See Appendix for full chart of z-scores for HUD complaints from 1998 to 2022.

<sup>79</sup> County-level data is presented in Appendix X

<sup>80</sup> Data analyzed for this section were compiled from The Fair Housing Center’s intake records. People who feel they have been the victims of housing discrimination may contact The Fair Housing Center to receive assistance with a concern of housing discrimination. Some complaints reported occur outside of The Fair Housing Center’s service area. In such instances, staff complete an intake interview, provide fair housing education, and provide a referral to a local fair housing agency.

<sup>81</sup> John A. Powell and Stephen Menedian, “Opportunity Communities: Overcoming the Debate Over Mobility Versus Place-Based Strategies.” In *The Fight for Fair Housing: Causes, Consequences, and Future Implications of the 1968 Federal Fair Housing Act* Edited by Gregory D. Squires. 2018.

<sup>82</sup> The “Mrs. Murphy” exemption (for an owner-occupied complex of four or fewer units) and the exemption for sale and rental of an owner’s single-family home are not included in Ohio’s fair housing law. Under both Ohio and

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federal law, certain uncommercial property owned by religious organizations and private clubs may be exempt from fair housing laws in certain circumstances.

<sup>83</sup> Joint Center for Housing Studies. *America's Rental Housing, 2022*. Accessed: [https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard\\_JCHS\\_Americas\\_Rental\\_Housing\\_2022.pdf](https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_Americas_Rental_Housing_2022.pdf)

<sup>84</sup> Joint Center for Housing Studies. *America's Rental Housing, 2022*. Accessed: [https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard\\_JCHS\\_Americas\\_Rental\\_Housing\\_2022.pdf](https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_Americas_Rental_Housing_2022.pdf)

<sup>85</sup> Joint Center for Housing Studies. *America's Rental Housing, 2022*. Accessed: [https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard\\_JCHS\\_Americas\\_Rental\\_Housing\\_2022.pdf](https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_Americas_Rental_Housing_2022.pdf)

<sup>8686</sup> Whitney Airgood-Obyrcki and Peyton Whitney, "Lower-Income Renters Have Less Residual Income than Ever Before" (April 11, 2023). *Joint Center for Housing Studies of Harvard*. Accessed: <https://www.jchs.harvard.edu/blog/lower-income-renters-have-less-residual-income-ever>.

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