Fair Housing 101: What Providers Need to Know
Pt. 1

September 15, 2021

Webinar Information

All participants lines are muted.
Use the questions feature in the GoToWebinar control panel to submit questions.
This webinar will be posted to COHHIO's website.
This webinar is being recorded.
Part 1: Fair Housing 101

Poll
What is your understanding of Fair Housing?

Fair Housing History
Fair Housing Act passed in 1968
• Title VIII of Civil Rights Act of 1968
• One week after assassination of MLK, Jr.
Sources of Law

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (FHA) (as amended)
- Fair Housing Act Amendments of 1988 (FHA)
- Section 504 of the Rehabilitation Act of 1973
- Section 109 of the Housing and Community Development Act of 1974
- Architectural Barriers Act of 1968
- Age Discrimination Act of 1975
- Section 3: Housing and Urban Development Act of 1968
- Titles II and III of the Americans with Disabilities Act of 1990 (ADA)
- Housing for Older Persons Act of 1995 (HOPA)

Simple Definition of “Fair Housing Act”

- Prohibits discrimination in the rental (including services), sale, advertising, design, insuring, and financing of dwellings, and in other housing-related transactions, based on membership in protected classes
- VERY BROAD & intended to be broad

Fair Housing Act Basics

- Prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions...
  - Applies to Landlords, Realtors, Mortgage Brokers, Insurance Agents, Zoning Codes, etc.
  - ...based on membership in protected classes
    - Characteristic of a person cannot be targeted for discrimination
    - Can be determined by documented patterns of treatment
7 Federal Protected Classes

Race (Skin) Color Familial Status

Religion Sex/Gender National Origin

7th Federal Protected Class

• Disability
  • Fair Housing Act amended in 1988 to include disability and familial status
  • Section 504 of the Rehabilitation Act of 1973
  • Americans with Disabilities Act of 1990
  • 1999 Olmstead Decision

Fair Housing Basics

• Familial Status
• Race
• Sex
• Handicap (Disability)
• Color
• Religion
• National Origin
Ohio Protected Classes

Ancestry (1965)

Military Status (2008)

Ohio Revised Code 4112.02(H)

Ohio Protected Classes

LGBTQ+ and Source of Income

- Sexual orientation and gender identity
  - Not federal or state protected class
  - May be a local protected class (Columbus City Code 2331.02(A)(1))
  - HUD Equal Access Housing Rule
- Source of income
  - Housing Choice (Section 8) Voucher
  - *House Bill 182 was introduced on 3/4/21 in the Ohio Legislature, which would prohibit discrimination in rental housing based on source of income.*
  - *In the House Judiciary Committee*
  - Has been adopted as protected class in other cities/municipalities in other states AND a few cities in NE Ohio (Lindale, University Heights, South Euclid, Warrensville Heights, Cleveland Heights)
  - Other cities that have passed laws banning SOI discrimination: Columbus, Gahanna, Toledo, Akron, Athens, Reynoldsburg, Berea, Worthington, Wickliffe

Exceptions to FHA

- Any single family home sold or rented by an owner
- Rooms or units in dwellings with less than 4 units
- Religious organizations
- Private Clubs
- Emergency shelters?

Having an exemption under the FHA does not prevent one from being sued pursuant to other non-discrimination statutes.

(Section 504, ADA, ORC 4112)
Americans with Disabilities Act (ADA)

- Covers places of public accommodation
- Those areas of a housing development which are open to the public:
  - Rental office
  - Pools
  - Club house/party room
  - Gym

Part 2: Reasonable Accommodations & Modifications

Disability Definition

- A individual with a disability is any person who has a physical or mental impairment that substantially limits one or more major life activities
- Person who has a record of such impairment
- Person regarded as having such an impairment
Physical or Mental Impairment

- Visual or Hearing Impairment
- Mobility Impairment
- Mental Illness
- Emotional Illness
- Intellectual Disability
- Alcoholism & Past Substance Abuse
- Chronic Disease; muscular dystrophy, multiple sclerosis, HIV, Cancer, Autism, ADHD, asthma, etc.
- Can be temporary

Major Life Activities

Including, but not limited to:
- Seeing
- Hearing
- Walking
- Breathing
- Performing Manual Tasks
- Caring for One’s Self
- Speaking
- Thinking

Why Focus on Disability?

According to US Census Bureau, in 2010:
- 56.7 million people in the US experience a disability (18.7%)
- Of the 56.7 million, about 29.5 million were between the ages of 21-64, 41% of whom were employed
- Of the 56.7 million, 19.2 million were 65 and over
Why Focus on Disability?

According to HUD:

• Approximately
  61.7% of all
  complaints filed in
  2019 were disability
  related
• That % climbs every
  year
• 40% in 2009; 55% in
  2016

Reasonable Accommodations & Reasonable Modifications

Fair Housing Act requires that:

• A landlord may not unreasonably refuse to provide a reasonable accommodation of a rule, policy, or procedure to address the needs of a person with a disability
• A landlord may not unreasonably deny permission to a tenant to make a modification of the premises to address the needs of a person with a disability

Accommodations

A change in rules, policies, practices, or services
Accommodation Example #1

ADA
- Trained
- Performs a specific task to assist
- Dogs or miniature horses

FHA
- No training
- No certification
- Not limited to dogs & horses
- No # limit

Accommodation Example #2
Accommodation Example #3

Other Examples of Accommodations

• Live-in aide for people with disabilities who rely on others to care for them
• Ground floor apartment for someone who has a mobility impairment and cannot use stairs
• Effective communication for people who are deaf or blind
• An assigned parking space for people with a mobility disability

Fair Housing Modifications

Under the FHA, a landlord may not unreasonably deny permission to a tenant to make a modification of the premise to address the needs of a person with a disability.
Modification Example #1
Adding grab bars in the shower

Modification Example #2
Door knob ➔ Door handle

Modification Example #3
Removing carpet
Exterior vs. Interior Modification

- Exterior
  - Under FHA, tenant cannot be required to remove
- Interior
  - Under FHA, tenant can be required to remove

“Reasonable” Definition

1. Economically and architecturally feasible
2. Does not alter the fundamental nature of the program
3. Each request must be considered on a “case-by-case” basis

Where to Get Help

- Fair Housing Advocates
  - 330-253-2450
  - Located in Akron but serve outside this area
- Fair Housing Resource Center
  - 440-392-0147
  - [www.fhrc.org](http://www.fhrc.org)
  - Lake, Geauga, Ashtabula Counties (far Northeastern counties of OH)
- Fair Housing Contact Service
  - 330-907-8473
  - [www.fairhousingakron.org](http://www.fairhousingakron.org)
  - Summit, Portage, Medina, Stark Counties (and others where a private fair housing group does not exist)
### Where to Get Help

- **Housing Research and Advocacy Center**
  - 216-361-9241
  - [www.thehousingcenter.org](http://www.thehousingcenter.org)
  - Cuyahoga & Lorain Counties (Cleveland area)
- **Toledo Fair Housing Center**
  - 419-243-6163
  - [www.toledofhc.org](http://www.toledofhc.org)
  - Lucas & Wood Counties
- **Miami Valley Fair Housing Center**
  - 937-223-6035
  - [www.mvfairhousing.com](http://www.mvfairhousing.com)
  - Montgomery & Green Counties (Dayton area)

### Where to Get Help

- **Housing Opportunities Made Equal (HOME) Cincinnati**
  - 513-721-4663
  - [www.cincyfairhousing.com](http://www.cincyfairhousing.com)
  - Greater Cincinnati area, including Hamilton County

### Where to Get Help

- **Legal Aid**
  - 866-LAW-OHIO (866-529-6446)
- **Disability Rights Ohio**
  - 800-282-9181
- **COHHIO**
  - Housing Information Line: 888-485-7999
  - [rentinfo@cohhio.org](mailto:rentinfo@cohhio.org)
- **Ohio Civil Rights Commission (OCRC)**
  - 888-278-7101
Questions

How to stay in touch:

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Thank you!