



Part 1: Fair Housing 101

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

4

Poll

What is your understanding of Fair Housing?

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

5

Fair Housing History

Fair Housing Act passed in 1968

- Title VIII of Civil Rights Act of 1968
- One week after assassination of MLK, Jr.




Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

6

Sources of Law

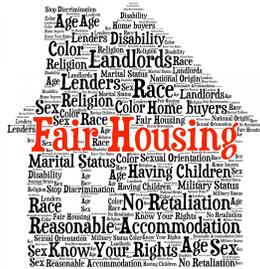
- Title VI of the Civil Rights Act of 1964
- **Title VIII of the Civil Rights Act of 1968 (FHA) (as amended)**
- **Fair Housing Act Amendments of 1988 (FHAA)**
- **Section 504 of the Rehabilitation Act of 1973**
- Section 109 of the Housing and Community Development Act of 1974
- Architectural Barriers 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)

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

7

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*



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

8

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



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

9

7 Federal Protected Classes

Race	(Skin) Color	Familial Status
		
Religion	Sex/Gender	National Origin
		

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

10

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



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

11

Fair Housing Basics

- **F**amilial Status
- **R**ace
- **S**ex
- **H**andicap (Disability)
- **C**olor
- **R**eligion
- **N**ational Origin



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

12

Ohio Protected Classes

Ancestry
(1965)



Military Status
(2008)



Ohio Revised Code 4112.02(H)

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

13

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
 - Not a protected class in Ohio or USA
 - *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 (Linndale, University Heights, South Euclid, Warrensville Heights, Cleveland Heights)
 - Other cities that have passed laws banning SOI discrimination: Columbus, Cincinnati, Toledo, Akron, Athens, Reynoldsburg, Bexley, Worthington, Wickliffe

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

14

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)

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

15

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



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

16



Part 2: Reasonable Accommodations & Modifications

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

17

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

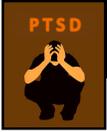
Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

18

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



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

19

Major Life Activities

Including, but not limited to:

- Seeing
- Hearing
- Walking
- Breathing
- Performing Manual Tasks
- Caring for One's Self
- Speaking
- Thinking

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

20

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

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

21

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



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

22

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

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

23

Accommodations

A change in rules, policies, practices, or services



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

24

Accommodation Example #1



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

25

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



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

26

Accommodation Example #2



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

27

Accommodation Example #3



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

28

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

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

29

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.



Tenant's wallet ↑

Modification – a structural change (interior or exterior) made to existing premises, occupied or to be occupied by a person with a disability.

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

30

Modification Example #1

Adding grab bars in the shower



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

31

Modification Example #2

Door knob → Door handle



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

32

Modification Example #3

Removing carpet



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

33

Exterior vs. Interior Modification

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




Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

34

"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




Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

35

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
 - Lake, Geauga, Ashtabula Counties (far Northeastern counties of OH)
- Fair Housing Contact Service
 - 330-907-8473
 - www.fairhousingakron.org
 - Summit, Portage, Medina, Stark Counties (and others where a private fair housing group does not exist)

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

36

Where to Get Help

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

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

37

Where to Get Help

- Housing Opportunities Made Equal (HOME) Cincinnati
 - 513-721-4663
 - www.cincyfairhousing.com
 - Greater Cincinnati area, including Hamilton County

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

38

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
- Ohio Civil Rights Commission (OCRC)
 - 888-278-7101

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

39

Questions



Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

40

How to stay in touch:

Joe Maskovyak, COHHIO
joemaskovyak@cohhio.org
Direct: 614-280-1984 x133
Toll Free: 888-485-7999 (Housing Information Line)

Thank you!

Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215

41
