


Fair Housing 101: What Providers Need to Know

Pt. 1



September 15, 2021


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

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The COHHIO logo is centered, featuring a stylized icon of two hands holding a house above the text "COHHIO" and "Coalition on Homelessness and Housing in Ohio". Surrounding the logo is a network diagram consisting of several blue circles of varying sizes, each containing a program name: Advocacy, Landlord Tenant Law, Housing Info Line, Fair Housing, SOAR, Ohio Votes, HMIS, Youth Balance of State CoC, Youth Initiative, Technical Assistance, and Housing Ohio Conference.

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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.

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Part 1: Fair Housing 101

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Poll

What is your understanding of Fair Housing?



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Fair Housing History

Fair Housing Act passed in 1968

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



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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)

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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**




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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









**EQUAL HOUSING
OPPORTUNITY**

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7 Federal Protected Classes


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

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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




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Fair Housing Basics

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




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Ohio Protected Classes

Ancestry
(1965)



Military Status
(2008)



Ohio Revised Code 4112.02(H)

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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

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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)

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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



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Part 2: Reasonable Accommodations & Modifications

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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

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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

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Major Life Activities

Including, but not limited to:

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

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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


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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



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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

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Accommodations

A change in rules, policies, practices, or services

RULES

1. you CAN....
2. you CAN'T...
3. you CAN....
4. you CAN'T

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Accommodation Example #1




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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




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Accommodation Example #2




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Accommodation Example #3



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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

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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.

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Modification Example #1

Adding grab bars in the shower



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Modification Example #2

Door knob



Door handle

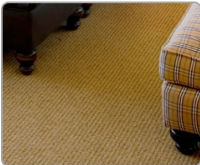


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Modification Example #3

Removing carpet





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Exterior vs. Interior Modification

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

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“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




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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)

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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)

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Where to Get Help

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

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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

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