




Topics in Fair Housing



Understanding Fair Housing 101 Pt. 1
 Joe Maskovyak, *Affordable and Fair Housing Coordinator*
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Coalition on Homelessness and Housing in Ohio | 175 S. Third St. Suite 580 Columbus, OH 43215


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Webinar Information




All participants lines are muted.



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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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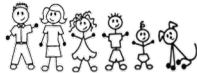



Fair Housing Act Basics

- 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



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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

<p>Ancestry (1965)</p> 	<p>Military Status (2008)</p> 
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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
 - 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)

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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 40% of all complaints filed in 2009 were disability related
- In 2016, the # of disability related cases was more than 55%
- That % climbs every year



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Reasonable Accommodations & Reasonable Modifications

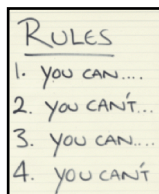
Fair Housing Act requires that:

- 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



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Accommodation Example #1



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Accommodation Example #1

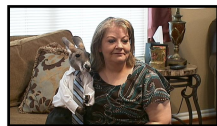
ADA

- 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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Assistance Animals Continued



Chuck Norris, therapy pig for at-risk youth in Hazard, KY.



Rojo the Llama, Mtn Peaks Therapy Llamas and Alpacas, Washington



Cezar the Cockatoo, Parrots for Patriots

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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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Questions



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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!

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