Fair Housing and Equal Access

Fair Housing History

- On April 11, 1968, President Lyndon Johnson signed the Civil Rights Act of 1968.
- Title VIII of the Act is also known as the Fair Housing Act (of 1968).
- President Lyndon Johnson utilized a national tragedy, the assassination of Dr. Martin Luther King, Jr., on April 4, 1968, to urge for the bill's speedy Congressional approval.

Fair Housing Act

- It is illegal to discriminate in the sale or rental of housing, including against individuals seeking a mortgage or housing assistance, or in other housing-related activities.
- The Fair Housing Act prohibits this discrimination because of race, color, national origin, religion, sex, familial status, and disability.
- A variety of other federal civil rights laws, including Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, prohibit discrimination in housing and community development programs and activities, particularly those that are assisted with HUD funding.
Fair Housing Act

- These civil rights laws include obligations such as taking reasonable steps to ensure meaningful access to their programs and activities for persons with limited English proficiency (LEP) and taking appropriate steps to ensure effective communication with individuals with disabilities through the provision of appropriate auxiliary aids and services.
- Various federal fair housing and civil rights laws require HUD and its program participants to affirmatively further the purposes of the Fair Housing Act.

What Is Prohibited?

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Otherwise make housing unavailable
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide a person different housing services or facilities
- False deny that housing is available for inspection, sale or rental
- Make, print or publish any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination
- Impose different sales prices or rental charges for the sale or rental of a dwelling
- Use different qualification criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analyses, sale or rental approval procedures or other requirements

What Else Is Prohibited?

<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deny</td>
<td>Ban entry into a building or any portion of it.</td>
</tr>
<tr>
<td>Exclude</td>
<td>Ban admittance to a multiple listing service.</td>
</tr>
<tr>
<td>Persuade</td>
<td>Use pressure or coercion to cause someone to sell or rent a dwelling.</td>
</tr>
<tr>
<td>Assign</td>
<td>Ban assignment to a person for a dwelling.</td>
</tr>
<tr>
<td>Deny</td>
<td>Ban sale or rental of a dwelling.</td>
</tr>
<tr>
<td>Fail to Pay</td>
<td>Deny the right to be able to pay for a dwelling.</td>
</tr>
<tr>
<td>Fail to Repair</td>
<td>Deny the right to repair a dwelling.</td>
</tr>
<tr>
<td>Limit</td>
<td>Deny the right to use a dwelling.</td>
</tr>
<tr>
<td>Fail to Comply</td>
<td>Deny the right to comply with the terms of a dwelling.</td>
</tr>
<tr>
<td>Fail to Protect</td>
<td>Deny the right to protect a dwelling.</td>
</tr>
<tr>
<td>Fail to Inspect</td>
<td>Deny the right to inspect a dwelling.</td>
</tr>
<tr>
<td>Fail to Maintain</td>
<td>Deny the right to maintain a dwelling.</td>
</tr>
<tr>
<td>Fail to Help</td>
<td>Deny the right to help with a dwelling.</td>
</tr>
<tr>
<td>Fail to Teach</td>
<td>Deny the right to teach about a dwelling.</td>
</tr>
</tbody>
</table>
Who Is Protected?

The Fair Housing Act prohibits discrimination in housing because of:

- Race
- Color
- National Origin
- Religion
- Sex
- Familial Status
- Disability
- Sexual orientation and gender identity
- Not federal or state protected class
- It is prohibited under the Fair Housing Act for any landlord or housing provider to discriminate against LGBTQ persons because of their real or perceived gender identity or any other reason that constitutes sex-based discrimination.
- May be a local protected class (Columbus City Code 2331.02(A)(1))
- HUD Equal Access Housing Rule
- July 1, 2020: HUD Updates Equal Access Rule, Returns Decision Making to Local Shelter Providers
- Source of income
  - Housing Choice (Section 8) Voucher
  - Not a protected class in Ohio or USA
  - House Bill 228: Source of Income Discrimination in Ohio
  - Bexley Adds 'Source Of Income' Protection To Fair Housing Law

Why Does Fair Housing Matter:

Because Place Matters in Profound Ways
Life Expectancy at Birth for U.S. States and Census Tracts, 2010-2015

- Franklin County: 77
- Lebanon: 65
- Grandview Heights: 84
- Wexford: 60 (Census Tract 51)
- Southeast 64 (Census Tract 87.30)
- Beiley: 85


Child Opportunity Index (COI)

Developed in 2014 in collaboration with the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University, the COI has been widely used to spark conversations about unequal access to opportunity and to spur actions to increase equity.

http://diversitydatakids.org

Child Opportunity Index (COI)

- Neighborhoods matter.
- Children who live in neighborhoods with quality early childhood education and healthy food, parks and playgrounds and clean air are more likely to grow into healthy, productive adults than children who don’t.
Moving Forward: Advance Fair Housing as an Economic Growth Strategy

- Focus on reducing barriers to affordable housing (zoning, parking requirements)
- Establish affirmative marketing programs for low-income and people of color
- Allocate transportation funds to jurisdictions that reduce barriers to fair housing
- Focus transportation funding on transit to connect workers to job centers and schools
- Create strategic reinvestment plans for high-poverty communities that leverage public, private, and philanthropic dollars
- Build partnerships with community organizations and residents to prioritize highest need investments
- Be dogged about measuring people and place-based outcomes of programs and funding to ensure that they are directly benefiting low-income communities of color

Investing in People
- Asset & Wealth Building
- K-12 School Reform
- Magnet Schools
- Dye & Yard Engagement
- Mentoring & Leadership Training
- arts Training & Career Path Development
- Reentry Programs for Ex Offenders
- Early Childhood Care & Education Services
- Family Supportive Services

Investing in Places
- Vacant Land Redevelopment, Land Banking & Blight Removal
- Community Land Trusts & Housing Stabilization
- Community Development & Infrastructure Investments
- Coordinated Service Delivery for Service Providers & Organizations
- Foreclosure Prevention
- Small Business Development & Business Incubation
- Community Health Investments & Fresh Food Initiatives
- Improving Infrastructure and Open Space
- Community Crime Prevention & Supporting Safescapes

Supporting Linkages
- Supporting Housing Mobility Through Regional Housing Strategies
- Supporting Fair Housing Enforcement
- Supporting Inclusionary Housing Development
- Developing Transit Infrastructure
- Supporting Strong Professional & Business Networks
- Transit Oriented Development
- Bus Rapid Transit Systems
- Developing Regional Greenways & Non Motorized Paths

Let's Look at Some Scenarios
Discrimination Isn’t Always Obvious – Example #1

Benjamin, who is a Black man, speaks to a prospective landlord on the phone about leasing an apartment. On the phone, the landlord seems eager to rent to Benjamin but when he meets with the landlord in person to fill out an application, the landlord’s attitude is entirely different.

A few days later, Benjamin receives a letter saying that his application was denied because of a negative reference from his current landlord. Benjamin swears he never had problems with his landlord and he was never contacted for a reference.

Discrimination Isn’t Always Obvious – Example #2

Zara is a Muslim woman who wears a hijab. Zara walks into the leasing office for a large apartment building because she saw a sign in the building’s window advertising several available units.

Zara introduces herself to the leasing officer, who immediately says there are no units available. Zara asks to be put on the waiting list, but she never receives a call.

Rules Against Children Are Discriminatory

John has three teenage children. John’s building has a patio with picnic tables, and one day John’s children decide to have lunch there with some of their friends.

The next day, John receives a notice from the homeowners association informing him that the building rules say that the patio is for adult-use only and that he needs to make sure his children do not violate the building rules.
Discrimination in the Conditions of Housing Is Illegal

Juan recently moved to the United States from Mexico. One day, Juan sees that there is a new tenant in the apartment next to his, so he welcomes her to the building. Juan’s neighbor comments on how nice everyone in the building seems, especially the building manager who offered to waive her security deposit because she seems like a good person. Juan is surprised because the building manager was short-tempered with him and said that Juan’s accent made him hard to understand. Juan later asks around and finds out that the building manager has waived fees and deposits for other tenants he likes, but not for him or other persons from Mexico.

Harassment Is A Form Of Discrimination

Jane has a Housing Choice Voucher (Section 8). One month, she falls behind on her portion of the rent. When Jane asks her landlord if he will give her a few more days, her landlord says yes but only if she will go out with him. Feeling she has no choice, Jane says yes. Over the next few days, Jane’s landlord sends her sexually explicit text messages even though Jane tells him to stop. Jane’s landlord tells her that if she does not go out with him again he is going to evict her and she will lose her voucher.

HUD’s Equal Access Rules

On February 3, 2012, HUD issued the first of three rules focusing on ensuring fair and equal access to housing for all Americans, regardless of their sexual orientation, gender identity, nonconformance with gender stereotypes, or marital status.
Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity

- This rule requires that a determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the Federal Housing Administration shall be made available without regard to:
  - Actual or perceived sexual orientation,
  - Gender identity,
  - Or marital status.
- The rule also included a definition for sexual orientation and gender identity and expanded the definition of family in most of HUD's programs.

The Gender Identity Rule

Providers that operate single-sex projects are required to provide all individuals, including transgender individuals and other individuals who do not identify with the sex they were assigned at birth, with access to programs, benefits, services, and accommodations in accordance with their gender identity without being subjected to intrusive questioning or being asked to provide documentation.

Equal Access to Housing in HUD's Native American and Native Hawaiian Programs—Regardless of Sexual Orientation or Gender Identity.
To give every person and family access to a safe, secure and affordable home including ensuring fair and equal access to housing for all Americans, regardless of their sexual orientation, gender identity or marital status.

How to File a Housing Discrimination Complaint:

- File a Complaint Online: [https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint)
- Download the App
- Call (800) 669-9777

Community Resources

- Legal Aid Society of Columbus: 614-241 2001
- Disability Rights Ohio: 800-282-9181
- COHHIO: Housing Information Line: 888-485-7999
  * rentinfo@cohio.org*
- Ohio Civil Rights Commission (OCRC): 888-278-7101