

**CITY OF TOLEDO
ANALYSIS OF
IMPEDIMENTS
TO FAIR HOUSING
CHOICE
2015**

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GENERAL SUMMARY

This Analysis of Impediments to Fair Housing was developed by the Toledo Fair Housing Center in conjunction with the City of Toledo.

Jurisdictions that receive federal dollars, directly or indirectly, are required by the Department of Housing and Urban Development to complete an Analysis of Impediments to Fair Housing Choice. The Analysis of Impediments process is prescribed and monitored by the Department of Housing and Urban Development. The state of Ohio's Department of Development has some monitoring responsibilities as well, especially in relation to small cities and municipalities.

The analysis is a comprehensive review of barriers in the community that inhibit consumers from acquiring the housing of their choice based on race, color, ancestry, national origin, religion, sex, familial status, disability, military status, and sexual orientation. The process of identifying impediments was diverse in its approach, including a series of community forums to solicit public comments and feedback; research of local zoning codes and ordinances; review of foreclosure records; an analysis of Home Mortgage Disclosure Act and other pertinent data; interviews with housing providers, compliance agencies, consumers and public officials; and document reviews.

The Analysis of Impediments will be used as a catalyst for the City to develop and implement a Fair Housing Plan. The Fair Housing Plan lists action items that will be implemented in order to curtail and eliminate the impediments identified in the Analysis.

The Analysis is arranged according to the factors that impact open housing choice, and discussions of the identified impediments throughout the text furnish insight pertaining to the local experience. Conclusions and recommendations for addressing the impediments follow these evaluations. The study, as a whole, drives the Fair Housing Action Plan, which is the guiding document outlining the concrete steps that partners in the City will take to address the impediments according to the corresponding timeline.

The examination identifies numerous impediments that may be categorized into several, relevant fields. These groupings are assembled with regard to their relation to areas of: Economic and Employment Conditions, Demographics, Housing Profile, Insurance and Lending, Assisted Housing and Housing for Persons with Disabilities, Real Estate Sales, Foreclosure Issues and Consequences, Zoning Regulations and Other Public Policies, and Appraisal Practices, among others.

This study discusses the emergence and worsening several major categories of impediments to fair housing, including but not limited to: the persisting effects and existence of redlining and other forms of systemic discrimination; the aftermath of the foreclosure and financial crises; and the concentration of indicators of low opportunity and of health risks in neighborhoods of color with a corresponding lack of housing mobility. The study also brings greater focus to issues of significant concern such as lead-based paint hazards, the barriers that the re-entry population faces, and discrimination based on source of income. The text that follows also calls for

affirmative programming and counseling to improve and inform housing choice and highlights the need for legislative changes to ensure the effectiveness of this programming.

The efforts that this Analysis and Action Plan propose will work in conjunction with some great programs that organizations have established in Toledo to reinvigorate our neighborhoods, which have suffered immensely thanks to financial institutions' predatory behavior, a lack of regulation, and an economic downturn. These challenges are not Toledo's alone; nor do they affect only the inner city. Predatory lending, the foreclosure crisis, and discriminatory practices in the maintenance, securing, and marketing of real-estate owned properties have wreaked havoc on communities from the central city to the suburbs.

Discriminatory practices in the marketing and maintenance of REO properties is just the tail end of devastating mortgage lending practices. Lenders targeted minority neighborhoods with predatory lending products, which stripped equity from homes. Homeowners were then foreclosed upon, further decimating these neighborhoods. Now, these foreclosed homes sit empty, owned by the banks. Yet the discriminatory acts persist.

In spite of this, partnerships of organizations that aim to tackle these issues have developed and flourished throughout the City. Toledoans who love and are committed to their City have put in immeasurable amounts of time, energy, and resources to rebuild and reenergize communities with or, as is more commonly the case, without the assistance of the profiteers of the crisis.

An exemplary program that recently emerged, the MLK Inclusive Communities Program, has brought together a diverse group of organizations that aim to make a meaningful impact on the community. Nevertheless, without further action and commitment to fair housing by the City and its partners, these types of programs will be limited in the extent to which they are able to improve our neighborhoods.

Toledo has experienced an increase in the number of new immigrants and refugees coming to the area. These groups are a welcome site, as their presences helps to buttress population levels. Housing providers need to be sensitive to the needs of this community however, and advocacy and law enforcement groups need to strengthen enforcement measures, as these groups are often targeted for exploitation.

The Analysis includes a summary of responses from community leaders and housing providers regarding fair housing issues. Respondents stated time and again that the most significant barriers to fair housing in Toledo appear to be the lack of education and awareness of the home search and purchase/rental process and of fair housing, tenant, and consumer rights and the continued adverse effects generated and exacerbated by the severe economic downturn. While participants cited an assortment of consequences of the lack of education and the economic decline, other impediments also receiving frequent mention included the inability to obtain credit, the limitations of the transportation system, the impact of negative public perceptions, and the ever-present seeming tradeoff between quality and affordable housing.

Lucas County has suffered as a result of the area's inelasticity and fragmentation. The isolated evolution of the suburban communities surrounding Toledo has resulted in the concentration of

racial minorities and the poor in the urban center. Such migratory and economic circumstances have also exacerbated negative social conditions in the urban core. Consequently, significant disparities in housing access and quality of life issues exist between Toledo and the surrounding communities. Although, the recent economic downturn may have begun to close the gap of inequality between city and suburb, it has unfortunately only done so via the comprehensive worsening of conditions throughout Lucas County. The problems of the “city” are no longer necessarily confined to the urban areas residing near the center of the municipal boundaries.

What’s more, the growth in the suburban districts has not occurred according to a comprehensive regional plan, but rather, has happened in a more piecemeal fashion. In fact, a portion of the growth and parallel economic and residential loss in the City of Toledo occurs as a result of systemic discrimination. Long-held beliefs that the most stable community is one that is racially homogenous persist among members of the housing industry, government, and the general public and have spurred much of the flight from Toledo into surrounding districts. As a result of such attitudes and the policies and practices that reflect them, northwest Ohio is extremely segregated, and housing choices continue to be limited and impacted by those segregation patterns.

Over the past several decades, the City of Toledo has suffered a decline in population, while adjacent communities have experienced a rise in population. However, the adjoining jurisdictions did not absorb all of Toledo’s loss. The entire region has experienced a drop in population. Indeed, the overall population of Lucas County has also diminished.

In spite of these circumstances, the City of Toledo maintains a diverse population of Asians, Hispanics and African Americans. A number of these individuals dwell in neighborhoods of higher socioeconomic value and/or live in adjacent suburban jurisdictions. However, segregation remains severe. Segregation does more than divide white from minority populations. Careful and systematic examination of the numerous issues affecting fair housing choice demonstrates that non-white, non-Hispanic populations are also isolated from one another.

In addition, the disparity of income between White, non-Hispanic and Asian households and White Hispanic and African American households is a significant factor contributing to residential segregation. However, this report will demonstrate that public and private sector policies bear a main share of responsibility.

Poor planning has contributed to the fractured growth as well. Many non-white and low-income residents argue that their concerns are not considered to be significant in the development planning of local jurisdictions and that some districts have adopted zoning codes that purposefully exclude them. Oftentimes, exclusionary policies are camouflaged under the guise of economic stability, progress, and the maintenance of family/neighborhood and property values.

Consumers are also concerned that urban localities have lost a substantial amount of amenities and services necessary to the healthy functioning of neighborhoods and the availability of opportunity. Consistent appeals for the provision of nearby grocery stores, access to adequate, efficient, affordable public transportation, less auto-dependent communities, and employment opportunities reveal the shortcomings of economic development and land use planning in Toledo

respective to the actual desires and needs of residents. Such situations only emphasize additional disincentives to locating in the city.

In order to address segregation and alleviate the extreme social tax on the City of Toledo, all of the jurisdictions in the Lucas/Wood County region need to operate with an increasingly regional focus and better coordinate goals and resources.

Finally, this report concludes with a series of recommendations that correspond to each of the impediment categories identified in the document.

INTRODUCTION

Since 1968, the Department of Housing and Urban Development has been under a federally mandated obligation to affirmatively further fair housing and to ensure that the entitlements and jurisdictions that receive HUD dollars comply with the same requirement.

In order to certify that jurisdictions meet their fair housing obligations, both HUD and the state of Ohio have stipulated that communities complete an Analysis of Impediments to fair housing choice as a part of the fair housing planning process. The Analysis of Impediments identifies barriers that preclude residents in the community from having equal and fair access to housing of their choice.

An Analysis of Impediments is a comprehensive review of a community's laws, regulations, administrative policies, housing market, and housing practices to determine whether any barriers to fair and equal access to housing are present. The assessment entails an evaluation of how local laws, market conditions, and housing practices affect the location, availability, affordability, and accessibility of housing and the relation of these factors to opportunity. The AI is an examination of the private and public conditions that have an impact on fair housing choice.

“Impediments” are defined as any actions, omissions, or decisions that inhibit a person's access to housing because of race, color, religion, sex, disability, familial status, national origin, ancestry (in the state of Ohio), military status (in the state of Ohio and the City of Toledo), or sexual orientation (in the City of Toledo).

The Analysis of Impediments is not merely an examination tool; it is also a resource. The AI includes recommendations that a jurisdiction and its partners can reference in an effort to begin to address and remedy the barriers identified in the document.

The Analysis of Impediments should be used as a foundation from which a community can develop its Fair Housing Action Plan. The Fair Housing Action Plan includes a comprehensive strategy to effectively address and eliminate obstacles in the marketplace that impede access to housing. The Action Plan also includes benchmarks and timelines that the community can utilize to measure its progress and determine how well it has accomplished its fair housing goals over the course of the planning and implementation period.

HUD and the state of Ohio encourage communities to assess themselves in a holistic fashion. They believe that communities can best accomplish the identification of impediments as well as the development of recommendations and solutions aiming to expand equal housing opportunities when they do so in collaboration with one another. In other words, HUD and the state strongly encourage a regional approach to housing issues, as what happens in one community typically affects what is happening or will happen in another.

While artificially separated by invisible, jurisdictional boundaries, communities are actually interwoven in many ways. Perhaps the most striking associations are evident among market conditions, as those prevalent in one community ultimately have consequences on the state of the marketplace and neighborhood conditions in other areas. Only when communities recognize their inter-connectedness, can they jointly develop mutually beneficial proposals that serve the entire metropolitan area.

Although it is noted that HUD favors a regional approach in the development of the Analysis of Impediments and the Fair Housing Action Plan, the planning cycle for the various Lucas and Wood County jurisdictions are incongruent, which tends to hinder such an arrangement. Accordingly, the City of Toledo proceeded to begin the Impediments Analysis process, while adjacent communities had not yet begun their processes. Despite the fact that this plan focuses on the City of Toledo and is not meant to be a regional analysis of fair housing barriers, the Center has, in some cases, identified impediments that exist in the City of Toledo, simultaneously considering their broader contexts and their relation to adjacent regions. This is generally done for comparison purposes in order to demonstrate disparities or similarities among market conditions and housing practices of various geographies.

The Center consulted a variety of data to identify impediments. Data sources included, but were not limited to:

- HUD Intake & Complaint data;
- Ohio Civil Rights Commission Intake & complaint data;
- Toledo Fair Housing Center Intake & Complaint data;
- Input from community-based organizations and housing providers;
- Home Mortgage Disclosure Act data;
- Auditors' records and data;
- Public Forums;
- Census data;
- State, County, and Municipal Codes;
- Community Reinvestment Act data;
- City of Toledo Consolidated Plan;
- American Community Survey Estimates.

The two previous Analyses of Impediments (i.e. 2000 and 2005) presented the Concentric Zone Model as proffered by E.W. Burgess, which aims to explain the racial distribution patterns of urban cities like Chicago. Toledo continues to fit this model relatively well. According to the Concentric Zone Model, a city expands outward from its central area, forming five concentric

circles or zones. The innermost zone represents the Central Business District (Downtown). The circle adjacent to the center, the zone of transition, contains industries, businesses and housing for low-income families. The third zone is comprised of homes for middle-income (i.e. “working class”) families. The fourth zone is characterized by the newer and more spacious residences of upper-middle income families, and the fifth zone, the zone of commuters, is where upper-income families reside, typically commuting the farthest distances to and from work.

The current Analysis of Impediments does not review the CZ Model in detail. However, the impediments and market conditions outlined in this analysis clearly reveal conditions consistent with this phenomenon.

The earlier Analyses also looked closely at the elasticity and inelasticity of the Toledo metropolitan area as described by David Rusk, the former mayor of Albuquerque, New Mexico. Lucas County, in its resemblance to the Concentric Zone Model, is a community with low elasticity. That is, the region is fragmented with many municipalities that maintain restrictive borders. The region’s inelasticity, in addition to its similarity to the Concentric Zone Model, have stifled growth and development; such circumstances have also resulted in the concentration of African-Americans, Hispanics and low-income residents in Toledo’s central city.

The Concentric Zone Model is helpful in explaining racial diffusion patterns found within a community although it does not identify and discuss the causes leading to such patterns. The highest percentage of African-Americans and Hispanics reside within the core of the city of Toledo. Furthermore, the largest percentage of low- and moderate-income individuals also resides within this central area. Though the City of Toledo has high-income residential areas in the southern and western sections of the city, the highest concentration of wealth is located within the suburban cities and townships.

This Analysis does not include an exhaustive discussion regarding the theory of elasticity and inelasticity, as it was covered so thoroughly in the 2000 Analysis (which remains easily accessible for referencing). The demographic and socio-economic patterns in the Toledo metropolitan area, as described in this Analysis, clearly underscore Toledo’s lack of elasticity and the effect that it has on both the city and the region.

BACKGROUND

With the passage of Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), Congress mandated that the Department of Housing and Urban Development (HUD) administer all housing and urban development programs in a manner that would affirmatively further fair housing. Accordingly, every program managed by HUD includes provisions that require recipients to comply with the Fair Housing Act and adopt fair housing goals. HUD has stipulated that recipients of HUD dollars must certify the ways in which they affirmatively promote fair housing.

Moreover, HUD has strongly encouraged recipients to analyze impediments to fair housing that exist in their jurisdictions and to develop measures that sufficiently address those barriers.

Recognizing the extent to which barriers to open and free housing persist, the administrations of Presidents Reagan, George H.W. Bush, Clinton, and Obama initiated and/or strengthened measures to enhance and encourage compliance with fair housing laws. President Reagan signed into law the Fair Housing Amendments Act that broadened the authority of HUD to include the promotion and effective execution of the statute.

The Act also increased the responsibility of the Justice Department and strengthened its enforcement role. Assistant Secretaries Judith Brachman and Jack Stokvis issued a memorandum to all Community Development Block Grant Entitlement Communities outlining their duty to affirmatively further fair housing. This memorandum, the first of its kind, strongly encouraged municipalities to conduct analyses of impediments, develop mechanisms to address them, and create partnerships with fair housing organizations.

During President George H.W. Bush's administration, Assistant Secretaries Gordon Mansfield and Anna Kondratas reissued this memorandum, citing the recent passage of the National Affordable Housing Act and its stipulation that all participating jurisdictions certify their intention to affirmatively further fair housing. Additionally, Secretary Kemp and President George H.W. Bush specified fair housing to be one of six priorities for HUD.

On January 17, 1994, President Clinton signed Executive Order 12892 entitled, "Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing." The order was signed in an effort to advance the promotion of fair housing through all federal programs and activities related to housing and urban development. The Order reiterated the role of the Secretary of Housing & Urban Development to include the furthering of fair housing; it also underscored the responsibility of the head of each executive agency to ensure "its programs and activities relating to housing and urban development are administered in a manner to affirmatively further the goal of fair housing."

The Order established the President's Fair Housing Council as well, which consists of all Cabinet members, the Chair of the Federal Reserve, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, and the Chair of the Federal Deposit Insurance Corporation. The President's Executive Order expanded the authority of the Secretary of HUD to allow that he or she take all measures necessary to provide adequate leadership; this, in turn, was a response to the overall goal of bringing about the coordination of efforts throughout all deferral programs, so that fair housing could be made a reality.

In an attempt to better manage the various programs it administers and carry out the President's Order, HUD merged the following application and planning documents into one document – the Consolidated Plan. The implementing regulations for the Consolidated Plan expressly state that each jurisdiction must certify that it will affirmatively further fair housing. This mandate was not new. However, the explicit charge for each jurisdiction to conduct an analysis of fair housing impediments and to develop strategies that address identified impediments was new. According to the implementing regulations for the Consolidated Plan, the first analysis was to have been completed by February, 1996.

Likewise, the state of Ohio has adopted aggressive fair housing goals for those who receive federal or state dollars. The Ohio Department of Development created definitive fair housing standards in 1993. HUD's mandate that communities "affirmatively further fair housing" left the state to wonder often exactly what HUD meant by this declaration. Thus, the state decided to adopt specific standards that would clearly define the mandate for small cities, which were not entitlements, to meet their fair housing obligations.

The state's standard is clear. Appendix A includes a detailed description of the state's minimum requirements.

In summary, each community must have:

- A General Information Contact that residents can call regarding fair housing issues;
- A Fair Housing complaint Intake and Referral System;
- Education and Outreach on Fair Housing Rights and the Definition of Housing Discrimination;
- An Impediments Analysis.

Both HUD and the state of Ohio strongly urge communities to conduct Impediments Analyses and to conduct them using a regional approach. For entitlement communities, creating a fair housing plan is an integral part of the requirements to affirmatively further fair housing.

In spite of these attempts, all-too-often fair housing has not been a reality in many of America's communities, even those benefiting from the support of federal dollars. In its guide to fair housing planning, HUD writes:

We also know that the Department itself has not, for a number of reasons, always been successful in ensuring results that are consistent with the Fair Housing Act [sic]. It should be a source of embarrassment that fair housing poster contests or other equally benign activity were ever deemed sufficient evidence of a community's efforts to affirmatively further fair housing. The Department believes that the principles embodied in the concept of 'fair housing' are fundamental to healthy communities, and that communities must be encouraged and supported to include real, effective, fair housing strategies in their overall planning and development processes, not only because it is the law, but because it is the right thing to do.¹

HUD realized that in order to develop effective and appropriate strategies for securing fair housing throughout America, the impetus for developing those strategies had to start at the community level. In order to develop effective and appropriate strategies, one must first identify those strategies. The people who live in the communities are the ones who can best identify and gauge what barriers exist in their locales. If fair housing is to become a reality, it is also those in the community who will have to bring it about. As HUD so aptly put it, "The goal of devolution of responsibility in the area of fair housing means that communities will have the authority and

¹ Fair Housing Planning Guide, Volume 1, U.S. Department of Housing and Urban Development, March, 1996; p. i.

the responsibility to decide the nature and extent of impediments to fair housing and decide what they believe can and should be done to address those impediments.”²

THE FUTURE OF FAIR HOUSING

In recognition of both the 40th anniversary of the passage of Title VIII of the Civil Rights Act of 1968 and the persistence of obstacles to realizing the goal of equal opportunity in housing, the Leadership Conference on Civil Rights/Education Fund, the National Fair Housing Alliance, the NAACP Legal Defense and Educational Fund, and the Lawyers’ Committee for Civil Rights Under Law joined forces by establishing the National Commission on Fair Housing and Equal Opportunity. The charge of this commission was to evaluate the state of fair housing throughout the nation. The agencies accomplished this by holding hearings in five major U.S. cities- Chicago, Houston, Los Angeles, Boston, and Atlanta- from July to October of 2008, which ultimately resulted in the January 2009 publication, “The Future of Fair Housing.”

The main sections of the report include:

- Forty Years after the Passage of The Fair Housing Act, Housing Discrimination and Segregation Continue
- Fair Housing Enforcement at HUD is Failing
- Fair Housing Enforcement at the Department of Justice is Weak
- The Need for a Strong Fair Housing Initiatives Program
- Fair Housing and the Foreclosure Crisis
- Federal Housing Programs: The Mandate to “Affirmatively Further Fair Housing”
- Fair Housing Obligations of Federal Grantees
- Regionalism and Fair Housing Enforcement
- The President’s Fair Housing Council
- Fair Housing Education: A Missing Piece
- The Necessity of Fair Housing Research
- Emerging Fair Housing Legislative and Regulatory Issues
- International Disapproval of U.S. Fair Housing Policy
- Commissioner Correspondence on Foreclosure Relief Implementation

As the sections indicate and the hearings demonstrated, legislation alone, although forceful in its language, has not been able to prevent the occurrence of past and ongoing discriminatory practices in housing and lending activities. Consequently, extensive residential segregation remains, along with the corresponding disparity between the access minority and non-minority households have to employment and educational opportunities, homeownership and asset accumulation. Although HUD and other federal agencies claim to have the goal of confronting and eliminating housing discrimination and segregation, many of those contributing to the hearings and the report noted how the actual administration of housing, lending, and tax programs may perpetuate and even promote segregation.

² Ibid at page i.

The report also identifies areas of progress and suggests solutions. State and local fair housing laws that go beyond the protection afforded by the federal statute, ethical codes of housing industry professionals, real estate licensing laws, and the existence of well-established fair housing organizations demonstrate evidence of progress. Additionally, the report offers recommendations of actions the commission feels “critical to move us forward toward our vision of creating and sustaining stable, diverse, inclusive neighborhoods across America.”

These recommendations include:

- Creating a reformed, independent fair housing enforcement agency to replace the existing fair housing enforcement structure at HUD and to focus solely on fair housing enforcement and fair housing and fair lending education;
- Reviving the President’s Fair Housing Council to promote fair housing and cooperate with the Secretary of HUD to “review the design and delivery of federal programs and activities to ensure that they support a coordinated strategy to affirmatively further fair housing;”
- Ensuring compliance with the “Affirmatively Furthering Fair Housing” obligation by reorienting federal housing programs to focus on helping families to reside in less racially and economically segregated communities and by more strictly regulating state and local grantees in an effort to enforce compliance and offer training and technical assistance;
- Strengthening the Fair Housing Initiatives Program (FHIP) by providing the resources necessary to “increase the presence and effectiveness of the program, raise the public’s awareness about fair housing rights, promote partnerships with industry leaders in communities, support increased fair housing enforcement and help build, or rebuild, diverse communities;”
- Adopting a regional approach to Fair Housing by developing regional plans that institute specific target performance goals for each major metropolitan area and encourage the alliance of other development goals with fair housing aims;
- Ensuring that fair housing principles are emphasized in programs addressing the mortgage and financial crisis by seeking approaches to housing and lending that are racially fair, improving fair lending enforcement on the federal level, and implementing a special fair lending initiative to fund investigation and redress of discriminatory practices in the lending sector;
- Creating a strong, consistent, fair housing education campaign by utilizing HUD’s direct budget authority to fund basic education and outreach materials and initiating a five-year coordinated national multimedia campaign through the FHIP; and
- Creating a new collaborative approach to fair housing issues by seeking out the best practices and strategies from the housing industry, corporations, state and local governments, and fair housing practitioners and advocates in order to bring new ideas and energy to the efforts that will revitalize and empower communities to promote residential integration.

The sixth and seventh recommendations have enjoyed implementation via HUD’s development of different types of FHIP grant awards, one of which focuses on fair lending and another that funds a national fair housing education campaign. HUD has also addressed the third and fifth

recommendations in its Proposed AFFH Rule. Whether or not the Rule is adopted in its proposed form will depend on the outcome of the ongoing administrative process.

In the Fall of 2010, the Government Accountability Office (GAO) also addressed the shortcomings of the enforcement of funding recipients' AFFH obligation and the AI process overall. In its report *Housing and Community Grants: HUD Needs to Enhance Its Requirements and Oversight of Jurisdictions' Fair Housing Plans*,³ the GAO "(1) assess[e] both the conformance of CDBG and HOME grantees AIs with HUD guidance pertaining to their timeliness and content and their potential usefulness as planning tools and (2) identify factors in HUD's requirements and oversight that may help explain any AI weaknesses." In preparing its findings, the GAO requested AIs from a representative sample of the nearly 1,200 grantees, compared the 441 AIs received with HUD guidance, and conducted work at HUD headquarters and 10 offices nationwide.⁴ After conducting its research, the GAO reported

On the basis of the 441 AIs reviewed, GAO estimates that 29 percent of all CDBG and HOME grantees' AIs were prepared in 2004 or earlier, including 11 percent from the 1990s, and thus may be outdated. HUD guidance recommends that grantees update their AIs at least every 5 years. GAO also did not receive AIs from 25 grantees, suggesting that, in some cases, the required documents may not be maintained, and several grantees provided documents that did not appear to be AIs because of their brevity and lack of content. GAO reviewed 60 of the current AIs (those dating from 2005 through 2010) and found that most of these documents included several key elements in the format suggested in HUD's guidance, such as the identification of impediments to fair housing and recommendations to overcome them. (See table below for common impediments identified in 30 of these 60 current AIs.) However, the vast majority of these 60 AIs did not include time frames for implementing their recommendations or the signatures of top elected officials, as HUD guidance recommends, raising questions about the AI's usefulness as a planning document. As a result, it is unclear whether the AI is an effective tool for grantees that receive federal CDBG and HOME funds to identify and address impediments to fair housing. HUD's limited regulatory requirements and oversight may help explain why many AIs are outdated or have other weaknesses. Specifically, HUD regulations do not establish requirements for updating AIs or their format, and grantees are not required to submit AIs to the department for review.

The GAO does not merely criticize HUD, grantees, and the AI process, however. At the conclusion of its report, the GAO provides four recommendations for executive action, all of which it directed at HUD and which included the following:

- To facilitate efforts to measure grantees' progress in addressing identified impediments to fair housing and to help ensure transparency and accountability, as part of the AI format, HUD should require grantees to include time frames for implementing recommendations and the signatures of responsible officials;

³Source: <http://www.gao.gov/assets/320/311065.pdf>

⁴ Source: <http://www.gao.gov/products/GAO-10-905>

- HUD should establish standards for grantees to follow in updating their AIs and the format that they should follow in preparing the documents;
- To better ensure that grantees' AIs serve as an effective tool for grantees to identify and address impediments to fair housing, HUD should expeditiously complete its new regulation pertaining to the affirmatively furthering fair housing (AFFH) requirements; and
- HUD should require, at a minimum, that grantees submit their AIs to the department on a routine basis and that HUD staff verify the timeliness of the documents, determine whether they adhere to established format requirements, assess the progress that grantees are achieving in addressing identified impediments, and help ensure the consistency between the AIs and other required grantee reports, such as the Consolidated Annual Performance and Evaluation Report.

The current status of all of these recommendations is “Closed – Implemented” because, as the GAO notes, “In response to GAO's recommendation, HUD published a proposed rule on July 19, 2013. Among other things, the proposed rule requires grantees to complete more comprehensive Assessment of Fair Housing (which will replace the Analysis of Impediments) with actions the grantee plans to take within the next year that are signed by responsible officials.”⁵

The Proposed Rule that the GAO references not only addresses the recommendations of the GAO and several of those from the Fair Housing Future report, but it also sets forth four primary goals to which HUD directs program participants' focus:

1. improving integrated living patterns and overcoming historic patterns of segregation;
2. reducing racial and ethnic concentrations of poverty;
3. reducing disparities by race, color, religion, sex, familial status, national origin, or disability in access to community assets such as education, transit access, and employment, as well as exposure to environmental health hazards and other stressors that harm a person's quality of life; and
4. responding to disproportionate housing needs by protected class.

In an effort to assist funding recipients with making progress on the aforementioned goals, HUD plans to provide all program participants with nationally uniform data on the four areas of focus as well as on outstanding discrimination findings. Program participants will then have to analyze the HUD data and local or regional information that they choose to add, identify the primary determinants influencing fair housing conditions, prioritize addressing these conditions, and set one or more goals for mitigating or addressing their determinants. The proposed rule applies to Local governments and States that receive Community Development Block Grants (CDBG); HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons With AIDS (HOPWA) program participants; and public housing agencies (PHAs), all of which are required to affirmatively further fair housing and some of which (jurisdictions and PHAs) are required to produce an Assessment of Fair Housing (AFH). The proposed rule encourages all of these program participants to work together on the AFH, and it also facilitates regional AFHs that cover regions that need not be contiguous and may even

⁵ Source: <http://www.gao.gov/products/GAO-10-905> (Recommendations tab)

cross state boundaries. The Proposed Rule's AFH process will also require substantial public input through community participation and stakeholder consultation.

As one can see from the added and expanded sections in this AI, the City of Toledo, TFHC, and their partners are beginning to take into account HUD's proposed changes and implement them in the current AI and AFFH activities. As of this report, HUD has just released the sample assessment tool, maps, and data tables for review and comment.

ABOUT THE CONSULTANT

The Toledo Fair Housing Center is a nonprofit civil rights agency dedicated to eliminating housing discrimination, promoting housing choice, advocating for anti-discriminatory housing policies, and creating inclusive communities of opportunity. The agency primarily serves the area of Lucas and Wood Counties by undertaking education, outreach, investigation and, where necessary, enforcement activities.

The Center was founded on the principles of community, tolerance, and justice. A commitment to these principles is precisely what ignited the League of Women Voters and the Old West End Neighborhood Association, along with several concerned citizens and community groups, to establish an organization that would combat discriminatory housing practices.

In 1975, the Center took its first steps toward fulfilling a mission of eliminating housing discrimination. Over the past 40 years, the Center has carried out its founding principles through the investigation of over 11,000 complaints. Through the litigation of complaints, resulting in over \$30 million in damages for the victims of housing discrimination, the Center has demonstrated talents for setting national precedents that have expanded housing opportunities for millions of Americans.

The Center has extensive experience in investigating lending complaints and eliminating barriers in this area. Dozens of lending lawsuits and administrative complaints have been successfully resolved through the Center's efforts. The Center previously completed the nation's first full-application lending testing project.

This project enabled staff to analyze and document the experiences of bona fide applicants and resulted in the expansion of services and opportunities for historically under-served communities and applicants.

Recently, in the wake of the foreclosure crisis, the Center has participated in a nation-wide investigation of Real Estate-Owned (REO) properties to determine whether lenders and the property management companies that they hire are maintaining, marketing, and securing REOs in minority communities in the same manner as they are in predominantly white communities. Such differential treatment is just the latest iteration of discrimination by financial institutions and only further damages already often disadvantaged neighborhoods that have been plagued by redlining and foreclosures. In the first settlement of its kind, the Center, with the help of the National Fair Housing Alliance and other partners, brought back \$1.4 million to the City of

Toledo to help counteract the dilapidation and disinvestment caused by discrimination in the maintenance, marketing, and securing of REOs by Wells Fargo.

The Center has also worked to remove systemic barriers in the insurance industry that often preclude urban residents from obtaining quality insurance. The Center's endeavors to eliminate barriers in the insurance industry have proven equally successful. The agency has conducted hundreds of insurance tests and investigated over 350 complaints of insurance discrimination and redlining – more than any other fair housing organization in the country. The Center pioneered the insurance testing methodologies used in its investigations and its procedures and testing forms became the basis for the National Fair Housing Alliance's (NFHA) insurance testing program. The Center's staff provided the first insurance testing and investigation training for the sub-contractors that NFHA used in its first national insurance testing project. Because of the Center's activities, hundreds of consumers have received insurance in the voluntary market instead of the residual or FAIR plan market, and insurers have also become aware of the fair housing implications of their policies and procedures.

The Center has entered into agreements with major insurance companies such as Allstate, State Farm, Nationwide and Liberty Mutual that have resulted in a change in discriminatory underwriting guidelines. These changes have increased insurance coverage for hundreds of thousands of Americans. Additionally, the Center's partnerships have resulted in tens of millions of dollars of investments in urban neighborhoods.

The Center has also had an influential role in combating the foreclosure crisis. Among other efforts, the Toledo FHC implemented an Emergency Mortgage Assistance Program, which has supplied individuals and families of Lucas County who meet income requirements with grants totaling over \$738,000. Furthermore, over the course of the last 10 fiscal years, the Center has saved clients over \$12.3 million through the modification of over 380 loans that put the customer at risk of foreclosure. Money management and credit counseling are also tools the Center continues to utilize in order to prevent the loss of people's homes. Although National Foreclosure Mitigation Counseling funds continue to be available, the Restoring Stability (Save the Dream Ohio) program accepted the last applications into its system on April 1, 2014.

In an effort to address the persistent need for assistance in the face of such programs ending, the Center has established an emergency mortgage assistance grant program, the MLK Inclusive Communities Program, which will assist homeowners over the next two years. This program will provide approved homeowners a grant to bring their mortgage payments or property taxes current (\$3,000 maximum) or to qualify for a lien elimination program (\$10,000 maximum). Homeowners must prove residency in a targeted census tract, compliance with income guidelines (120% AMI), and successful completion of the financial education program, "Back on Track." This program will help prevent the devastation to neighborhoods caused by the foreclosure crisis and subsequent failure of lenders and servicers to properly maintain, secure, and market REO properties.

An extremely capable staff has placed the Center in a pioneering role and has enabled the Center to establish precedents in every facet of the housing industry. The agency and its staff have been recognized for their fair housing abilities on a local, regional and national level. The Center has

received a number of fair housing awards from the U.S. Department of Housing and Urban Development (HUD) and units of local government.

Staff has provided fair housing training for HUD, the Ohio Civil Rights Commission, the Federal Reserve Bank, the Center for Community Change, the Alliance of Allied Insurers, the National Fair Housing Alliance and a host of other fair housing, community, and housing industry organizations. The Center has also been invited by the Senate's Bank & Lending Committee and the House of Representatives' Committee of Banking, Finance and Urban Affairs to testify concerning issues of housing discrimination (including lending and insurance discrimination).

While its advancements in the lending and insurance areas have garnered the most media attention, the Center has established precedents in every segment of the housing arena. The Center brought the first sexual harassment case in the country under the Fair Housing Act and also set the prima facie case standards for a neighborhood redlining complaint in The Old West End Association v. Buckeye Federal Savings. Additionally, the Center has made great strides in mitigating the impediments to fair housing in the areas of rental and real estate sales. In 1988, the Center became the first fair housing agency in the country to secure free rental units for the homeless in FHC v. Lexington Apartments. Finally, the Center has expanded housing opportunities for persons with disabilities and families with children. In a recent settlement against an adjacent municipality of the City of Toledo, complainants in a fair housing case not only received over \$100,000, but the municipality also agreed to provide a ten-year tax abatement to any licensed group home that locates in the Village within the next 99 years. The Center, thus, remains a national leader in the fair housing movement.

DEMOGRAPHIC DATA

The City of Toledo is located in Lucas County in northwestern Ohio, approximately 75 miles east of the Ohio-Indiana border. Toledo, which serves as the county seat, is located at the northern most tip of Lucas County. Toledo covers an area of 81 square miles and borders Lake Erie to the east and the state of Michigan to the north. The Maumee River geographically divides Toledo in two, with the bulk of the city located to the west of the river and a small portion of Toledo situated to the east of the river.

Many cultural and recreational opportunities are available in the City and the County. The Toledo Museum of Art is a privately endowed, nonprofit institution. In 2001, the Museum of Art celebrated its 100th anniversary and in August of 2006, the Art Museum opened a new 57,600 square foot Glass Pavilion, celebrating the City's role as the Glass City. The Valentine Theatre boasts a 900-seat auditorium and is located in downtown; the theatre serves as the home of the Toledo Symphony, the Toledo Ballet and the Toledo Repertoire Theater. Each year, the Valentine Theatre continues to host a variety of musical, dance and theatrical productions.

Toledo has long been regarded as a great place to raise a family and has no shortage of family-oriented activities. The Imagination Station, a non-profit, interactive science museum, has reinvigorated the site previously occupied by the Columbus-based Center of Science and Industry (COSI) and the Portside Festival Marketplace. It is conveniently located in downtown Toledo along the Maumee River and features both permanent and traveling exhibits.

Furthermore, the Toledo Zoo, owned and operated by the non-profit Toledo Zoological Society, has received national attention for its many exhibitions. In 2000, the Zoo opened what was then its largest exhibit, the \$11.5 million Arctic Encounter, and in 2004 it unveiled the new 12-acre Africa! Exhibit. In 2015, the Zoo will unveil its newly remodeled Aquarium. The Aquarium building's historic WPA architecture will be preserved during the construction phase, but the interior will be completely remodeled.

Toledo owns and operates over 140 parks covering over 2,367 acres. The City maintains 146 parks and facilities and mows over 400 boulevards, cul-de-sacs, and green spaces.

The City is also the home of the Toledo Mud Hens, a Class AAA professional baseball team whose parent club is the Detroit Tigers. In 2002, a new 10,000-seat County-owned baseball stadium for the Mud Hens opened in the Toledo Warehouse District and was touted as the best AAA ballpark in the country. Additionally, the City is the home of the Toledo Walleye, an East Coast Hockey League professional hockey team affiliated with the Detroit Red Wings.

The Toledo Walleye play home games in the recently constructed and newly opened \$105 million Lucas County Arena. The facility is located in downtown Toledo, Ohio. Construction began on the 8,000 plus seat multi-use arena on October 1, 2007, and public open houses were held in early October of 2009 to showcase the new arena.

Toledo is the largest city in Lucas County, with a population estimated to be 282,313 according to the 2013 Census Population Estimates. This population makes Toledo the 4th largest city in Ohio and the 67th largest in the country.

Nearly ninety-seven percent (96.9%) of Toledo residents were born in the United States. Of those who are foreign born, 41.02% are from Asia (up from 40.6%), 30.88% from Latin America (up from 23.8%), 13.65% from Europe (down from 21.3%), 4.63% from Northern America (down from 7.2%), and 9.82% are from Africa (up from 6.7%) (according to data available from the 2010-2012 ACS Estimates).

Nearly ninety-four percent (93.9%) of Toledo's population over the age of five speaks English exclusively. Of those speaking a language other than English at home, 54.1% percent (up from 43.5%) identified as speakers of Spanish and/or Spanish Creole and 45.9% (down from 66.5%) spoke some other language; 2.03 percent (down from 2.3%) of the total population reported that they speak English less than "very well."

POPULATION MIGRATION PATTERNS

As of the 2010 Census, approximately 95.96% of the Lucas County population resides inside "urbanized areas." However, relocation to the unincorporated areas continues. This occurrence leads to a decline in the tax base of the incorporated areas, in which approximately 81% of the County's population resides. These municipalities are, consequently, either forced to raise taxes in order to make up for the loss in tax revenues or to leave the taxes as they are, which can result in the further deterioration of infrastructure and/or a reduction in the municipality's ability to provide services. Either approach may cause the alienation of the municipality's corporate and/or residential citizens, providing them with an incentive to emigrate from the city to an unincorporated area, which only exacerbates the initial issues.

An August 2003 report entitled "Toledo Metropatterns: A Regional Agenda for Community and Stability in Toledo" was conducted by Amerigis and Metropolitan Area Research Corporation in collaboration with the Urban Affairs Center in order to, among other aims, study demographic and fiscal trends in greater Toledo. The investigation revealed that the detrimental effects of inattentive planning, ineffective development and competition for tax base are experienced indiscriminately by wealthy and impoverished, as well as by urban and suburban communities alike. The analysis also highlights the overall reduction in the quality of life and opportunities available to all residents of the region, as geographic stratification coupled with sprawling growth leave poor, inner-city residents geographically and economically confined and, simultaneously, contribute to increased congestion and the loss of open space.

The report concludes from the analysis that the image of prosperous suburbs fortified from all hardship is a myth. While an exceedingly small percentage of the region's population may live in wealthy, peripheral communities that enjoy the concurrent advantages of higher-priced homes, abundant commercial development, and robust tax bases, the experience of most communities, especially in recent years, has been characterized by the struggle of addressing worsening fiscal and/or social concerns and the economic downturn and foreclosure crisis. Not only do people continue to be segregated by income and race throughout the region, leaving those already

disadvantaged to be further trapped without opportunity, but various jurisdictions (most notably, perhaps, the public school districts) also persist in competing, instead of collaborating for tax base. Ohio's state and local finance system tends to advance such antagonism, which has generally resulted in circumstances of loss for all involved.

The population decline of Toledo, which began in the 1970s, persists through the most recent Census and American Community Survey Estimates. According to the American Community Survey Three-year Estimate for 2010-2012, the City of Toledo has lost 29,847 people or 9.5% of its residents between 2000 and 2008. The population has shifted to other municipalities within Lucas County as well as to locations outside of the county.

POPULATION CHANGES IN LUCAS COUNTY, 1970-2011

	1970	1980	1990	2000	2011 5- Year Estimate	% Change
Lucas County						
Toledo	383062	354635	332943	313619	289628	-24.4
Suburban Cities						
Maumee	15937	15747	15561	15231	14346	-9.98
Oregon	16563	18675	18334	19355	20185	21.87
Sylvania	12031	15527	17301	18670	18969	57.67
Totals	44531				53500	20.14
Villages						
Berkey	294	306	267	264	288	5.4
Harbor View	238	165	124	99	212	-58
Holland	1108	1048	1210	1306	1824	19.8
Ottawa Hills	4270	4065	4543	4564	4509	7.6
Waterville	2940	3884	4517	4828	5460	78
Whitehouse	1542	2137	2528	2733	4059	148.4
Totals	10392				16352	48.1
Townships						
Harding	719	631	593	724	941	30.88
Jerusalem	3405	3327	3253	3161	3113	-8.58
Monclova	3340	4285	4547	6761	11782	245.41
Providence	1856	2702	3016	3454	3362	81.14
Richfield	1218	1095	1178	1359	1817	49.18
Spencer	1925	1744	1665	1708	1345	-30.13
Springfield	10909	15043	18835	22817	25950	137.88
Swanton	3026	3379	3508	3354	3047	.69
Sylvania	16496	17534	22682	25583	48032	191.17

Washington	2146	4000	3803	3574	3311	54.29
Waterville	-	-	9003	9469	11128	-
Totals (without Waterville)	45040				102700	128.02
TOTAL (*without Waterville)	483025*	469929	469411	462633	462180*	-4.32

Source: The University of Toledo Urban Affairs Center and the Ohio Department of Development 2008 Population Estimates by County, City, Village and Township and the 2011 ACS 5-year Estimates

As the previous Table depicts, adjacent cities, villages and townships are often beneficiaries of Toledo's population decline. Nevertheless, while the drop in Toledo's population has been well documented, the county as a whole has also lost residents since 1970, and the trend is projected to continue by the Toledo Metropolitan Area Council of Governments (TMACOG). Since 1990, Lucas County has experienced population decline of greater than five percent (462,361 to 436,393).

This ongoing shift of population out of the urban area coincides with trends in other major Ohio cities, with the noticeable exception of Columbus. From 1990 to 2010 Cincinnati lost 67,090 residents, Cleveland lost 108,919 residents, and Dayton lost 40,283 residents. During this same period of time, Columbus gained 155,716 new residents, due to the annexation of adjacent territory and people moving into the expanded city. These trends have continued as, according to 2010 Census data and 2013 American Community Survey One-Year Estimates, the population of Cincinnati decreased by 567, and Cleveland's by 6,584. Columbus continues to experience gains in population over this period, as the city's number of residents increased by 33,927 in the past few years.⁶

Discrepancy in the rates of emigration from Ohio's major metropolitan areas by particular groups is also evident. The percentage of African American residents comprising the total population has increased consistently as a result of the rate at which Caucasian citizens have disproportionately left the city.

In Toledo for example the percentage of African American residents has increased from 17% in 1980, to 20% in 1990, to 23.5% in 2000, and to 27.18% in 2010. This is not the sole result of the African-American population growing at a much faster pace, but primarily the result of Caucasians leaving the city at a greater rate.

Any report discussing demographics during the period preceding and subsequent to 2000 would not be complete without analyzing the growth of the Latino population. In 1990 there were 21.9 million Latinos in the United States. That number increased to 35.2 million in 2000 – an increase of 61%. The U.S. population as a whole only grew by 13%. Latinos are now considered to be the

⁶ Sources: Census quick facts for cities and 1990 Census of Population and Housing Public Law 94-171 Data, available at <http://censtats.census.gov/cgi-bin/pl94/pl94data.pl>

largest minority group in the country, surpassing African Americans. Estimates for 2013 place the Hispanic/Latino population at 17.1% of the total U.S. population, with Mexican-Americans making up 64% of those identifying themselves as Hispanic or Latino.

The percentage of Latinos in Toledo has increased steadily from 3% in 1980 to 4% in 1990 to 5.5% in 2000 to 7.6% in 2012; however, the local experience has not matched the rate of increase nationally. The Latino population grew by 30% from 1990 to 2000 and by 75.9% between 1990 and 2010. One should note that some public officials and community-based organizations believe that the figures presented by the Census Bureau for the Latino population fall well below actual numbers. Moreover, many believe that the Latino population in Toledo and its surrounding communities will continue to grow, possibly even out-pacing the representation by other ethnic minority groups.

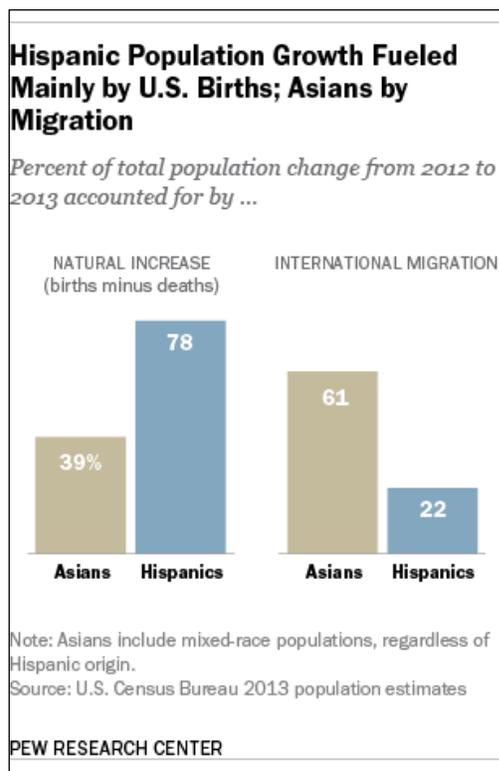
While African-Americans and Latinos make up the largest racial minority groups in Toledo, there is also a measurable Asian population in the city. On the national level, the growth rate of the Asian population has actually surpassed that of all other racial and ethnic groups. Asians represent 1.1% of the Toledo population, down from 1.4% in 2008.

In her article “U.S. Hispanic and Asian populations growing, but for different reasons,” Anna Brown of the Pew Research Center notes,

The distinction of being the fastest-growing racial/ethnic group in the United States has alternated between Asians and Hispanics in recent decades. Since 2010, though, Asians have had the edge. New Census Bureau data estimate that the U.S. Hispanic population topped 54 million as of July 1, 2013, an increase of 2.1% over 2012. Meanwhile, the Asian population grew to 19.4 million, with a growth rate of 2.9%.

U.S. births have been the primary driving force behind the increase in the Hispanic population since 2000 and that trend continued between 2012 and 2013. The Census Bureau estimates that natural increase (births minus deaths) accounted for 78% of the total change in the U.S. Hispanic population from 2012 to 2013.

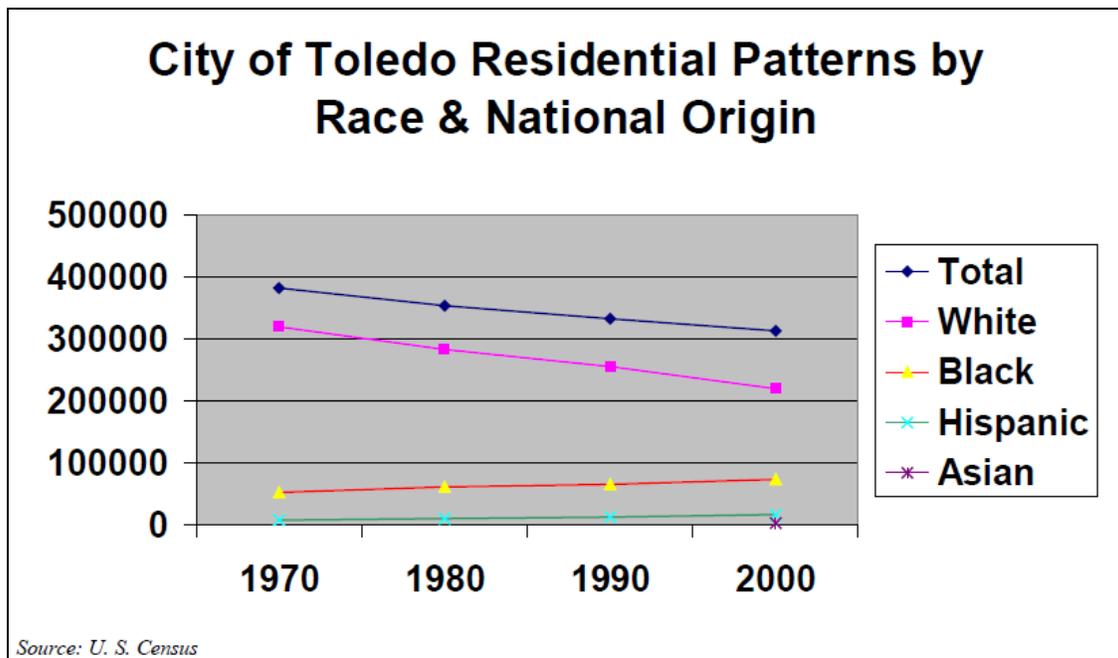
By comparison, growth in the Asian American population has been fueled primarily by immigration. Fully 74% of Asian adults in 2012 were foreign born according to Pew Research Center analysis of Census data, and international migration accounted for about 61% of the total change in the



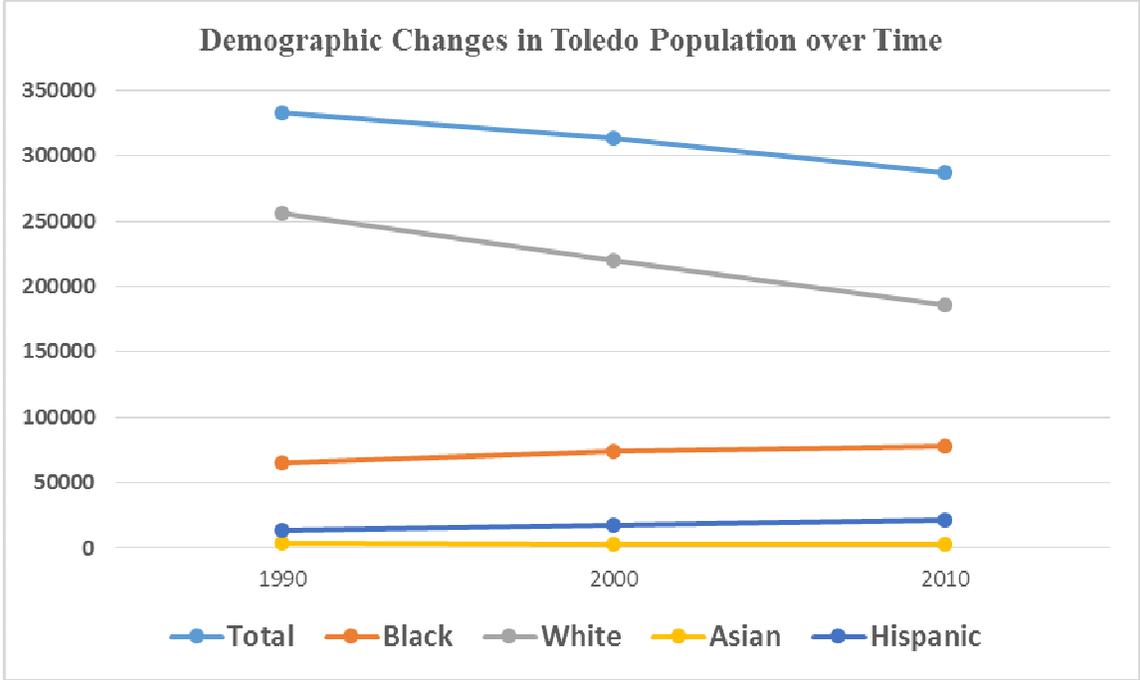
Asian American population from 2012 to 2013. (Asian American figures represent the population who reported their race alone or in combination with one or more races, and includes Hispanics. Hispanics are of any race.)

The different sources of population change are reflected in the demographic profiles of Asians and Hispanics. For example, the median age of Asians is 36.3, reflecting its larger share foreign born, compared with Hispanics at 28.1, reflecting the importance of U.S. births to populations growth.⁷

The charts below illustrate demographic changes in the City of Toledo population over time.



⁷ Source: <http://www.pewresearch.org/fact-tank/2014/06/26/u-s-hispanic-and-asian-populations-growing-but-for-different-reasons/>

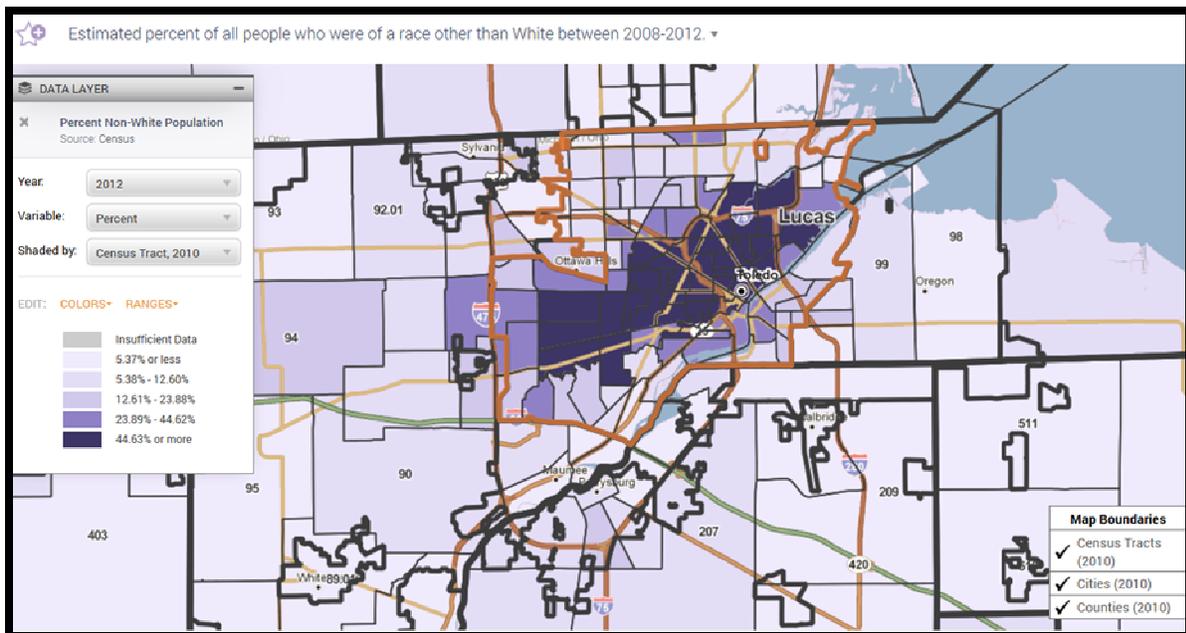


INCOME & POVERTY DATA

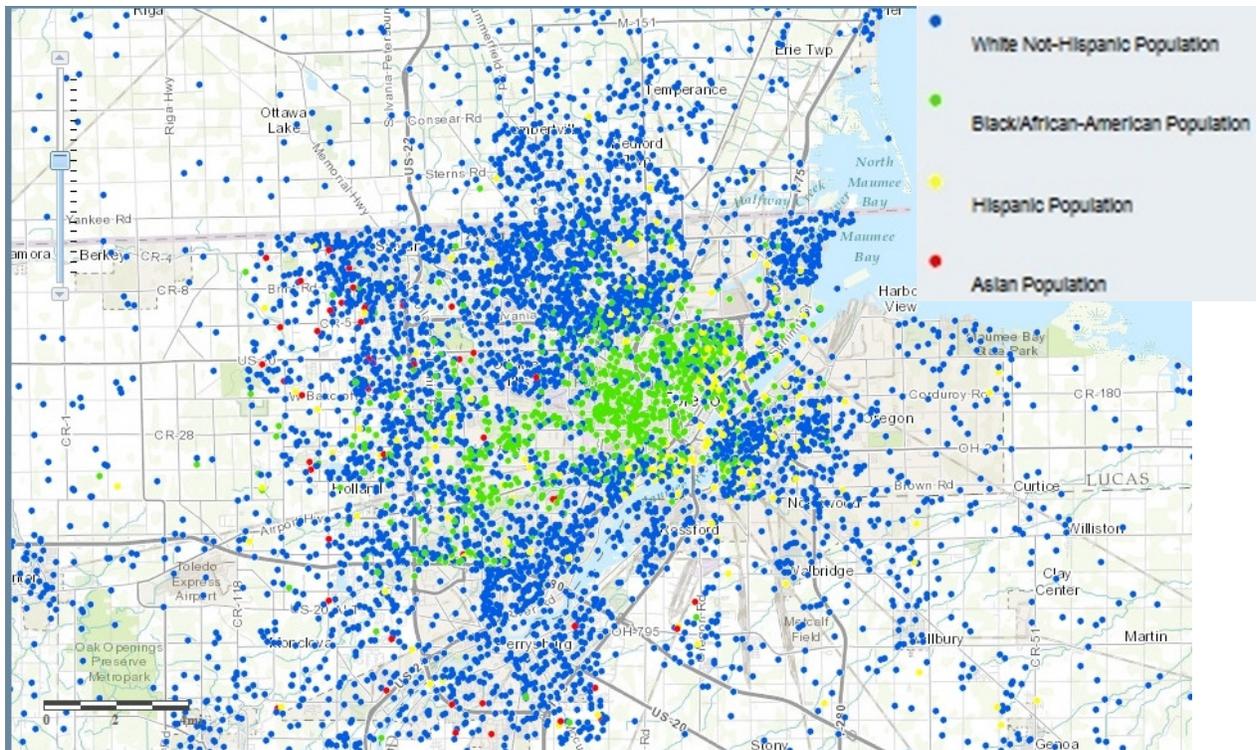
In 2000 the median household income in Toledo was \$32,546 according to the Census. That number grew to \$34,157 in 2008 for a total increase of \$1,611; however, between 2007 and 2008, the trend reversed from one of increasing income to one of decreasing income. The 2008-2012 median income for Toledo was \$33,374, which is less than the overall state median income for the same period that was \$48,246. Between 2000 and 2008, the median household income for Lucas County rose from \$38,004 to \$43,562 for an increase of \$5,558. For the period 2008-2012 the median income for Lucas County was \$41,436, a decrease of \$2126 from 2008.

The per capita income in Toledo in 2000 was \$17,388, as compared to \$20,518 in Lucas County and \$21,587 nationally. Estimates for 2008 approximated per capita income to be \$18,804 in Toledo, \$23,846 in Lucas County, and \$27,589 nationally. The per capita income in Toledo for 2008-2012 was \$18,720, as compared to \$23,827 in Lucas County and \$28,051 nationally for the same time span.

Census data revealed median income and personal asset levels of African-Americans and Latinos to be significantly lower in comparison to those of other non-Hispanic/Latino racial populations. This trend accompanies the migration trends of Toledo residents who are leaving the city. Whites (and those possessing the resources necessary) continue to leave Toledo, especially the central city area, while African-Americans and Latinos remain. The maps that follow illustrate this pattern by displaying the distribution of the minority population throughout Toledo by census tract and via a dot density distribution. Distinctive concentrations of minority populations remain clearly identifiable in the central and southwestern sections of the city.

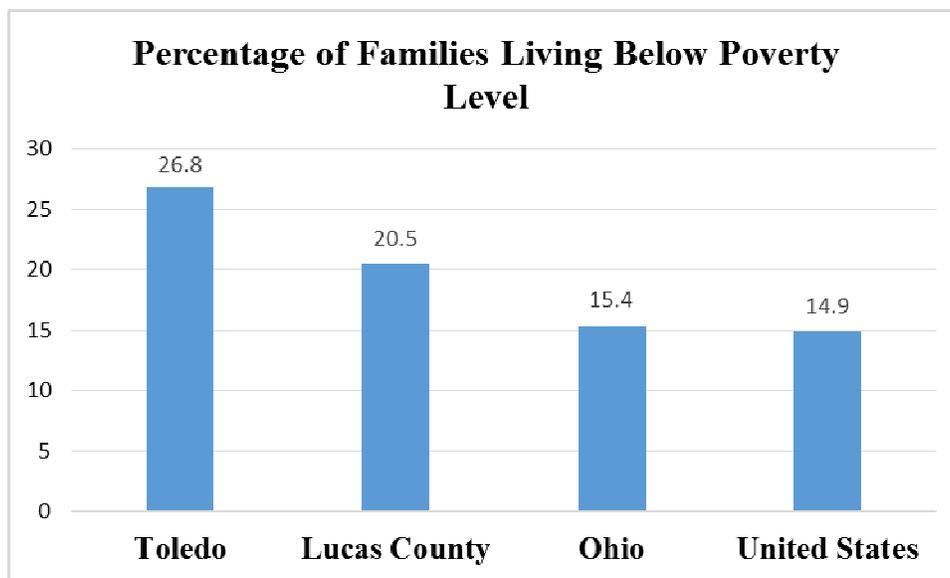


Source: PolicyMap.



Source: HUD AFFH Geospatial Tool

According to the 2008-2012 ACS Estimates, 26.8% of families in Toledo were estimated to be living below the poverty level. By comparison, 20.5% of families in Lucas County, 15.4% of Ohio families, and 14.9% of families in the country shared this distinction.

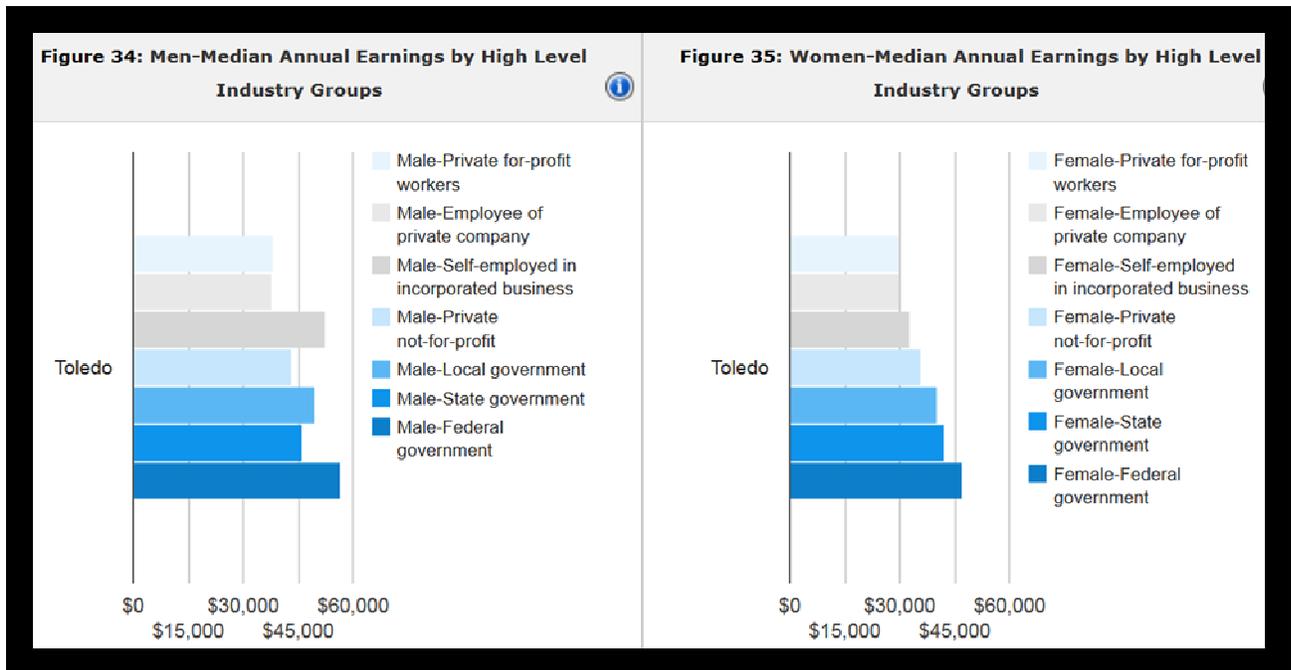
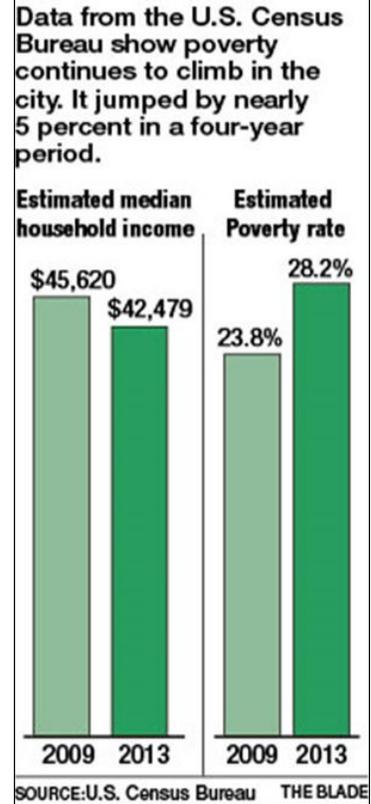


Source: American Community Survey Three-Year Estimates 2008-2012

The Toledo Blade recently noted the persistence of the issue of poverty in the City in an article that it published in mid-September 2014. The article featured the chart below, which demonstrates the unfortunate continuation and worsening of the problem.

An evaluation of income figures allows the patterns of existing and varying economic opportunities throughout the area to become apparent. The poorest households are located within the central city. Noticeable correlations remain between race and poverty level, as well as between gender and poverty level. A relatively higher percentage of African-Americans and Latinos (as compared to group population figures) live below the poverty level than Asians and Caucasians.

Additionally, significantly more female-headed households are living below the poverty level than male-headed households. As an illustration of this point, the median income for full-time employed men in Toledo is \$40,147, while the median income for full-time employed women in Toledo is \$32,576.



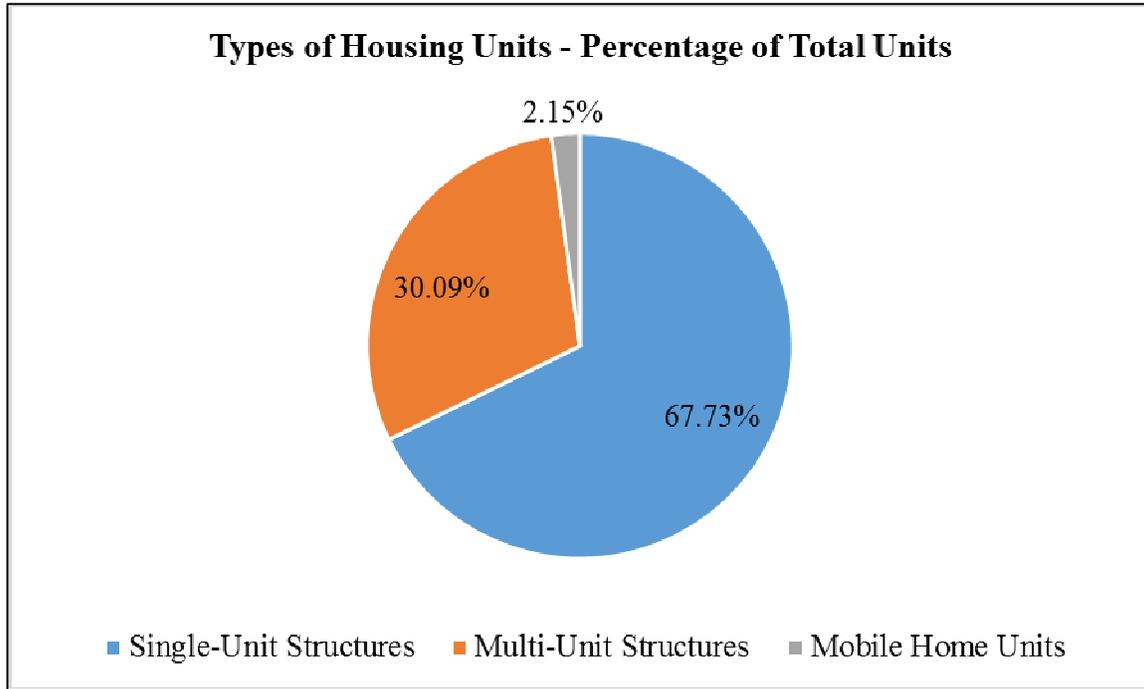
According to the 2011-2013 American Community Survey Three-Year Estimates, the City of Toledo had 80,993 people living below the poverty line. That number represents 29.3% of the total population of the city. This percentage is considerably higher than the 22.6% figure for Lucas County, the 16.2% at the state level, and the 15.9% at the national level. The higher rate in Toledo reflects the household patterns present within the community. The significant share of female-headed households with children in the City, households that tend to experience poverty at a higher rate, offers one explanation for the difference among the various geographies. Female heads of households are often only able to obtain employment that pays lower wages.

In 2013, 29.3% of people residing within Toledo were in poverty. Over forty-two percent of related children under 18 were below the poverty level, compared with 12% of people 65 years-old and over. Over twenty-seven percent (27.31%) of all families and 47.86% of families with a female householder and no husband present had incomes below the poverty level.

The lack of affordable, quality childcare services remains an obstacle. Without this service, women are forced to balance school and work while caring for their children. Eliminating or even reducing this source of poverty requires long-term programs to train and educate female workers, to reward companies and businesses that provide quality childcare opportunities and flexible work environments to their employees, and to develop the skills necessary to empower female-headed households with children.

HOUSING PROFILE

The 2010-2012 American Community Survey Three-Year places the total number of housing units in Toledo at 138,430. The majority of those structures (67.73%) are single family units. The greater part of the housing stock in Toledo is rather aged; most of the homes are more than fifty years old. Very few of the homes in the city were constructed within the last quarter century. Of the homes in Toledo 64.8% were built prior to 1960.



Source: American Community Survey Three-Year Estimates 2010-2012

Comparatively, in Lucas County 71.37% of housing units are single family dwellings and 53.17% of housing units were constructed prior to 1960. The figures nationally are similar for the percentage of single family dwellings at 67.37%; however the nation as a whole contains a much newer housing stock. Only 29.89% of housing units were constructed prior to 1960 nationally.

The table below displays the number of building and demolition permits issued by the City from January 2009 through July 2014 according to the type of housing unit the permit represented. The data demonstrate the predominance of the permitting and construction of multifamily dwelling units in the city. The table also illustrates the significant number of demolitions that have occurred in the City due to the use of Attorney General settlement funds through a partnership between the City and the Lucas County Land Bank.

Building and Demolition Permits Issued by Type, 2009 through July 2014

City of Toledo	New Single Family Units	New Multi-Family Units	All Units Demolished	Net Change in Units
2009	39	63	381	-279
2010	39	42	451	-370
2011	31	0	625	-594
2012	28	65	938	-845
2013	72	12	753	-669
2014 to July	15	199	253	39
TOTALS	224	381	3401	-2718

Source: Toledo Division of Building Inspection

The homeownership rate in Toledo is 54.8% as compared to 61.8% in Lucas County and 67.3% in Ohio. The greatest quantity of owner-occupied units in Toledo remains those homes valued between \$50,000 and \$99,999 with 43.8% of dwellings residing in this category; however, 2010-2012 estimates identified that 22.8% of owner-occupied units were in the \$100,000 to \$149,999 range. Comparatively, 30.3% of the dwellings in Lucas County valued between \$50,000 and \$99,999 and 24% of those in the \$100,000-\$149,999 class are owner-occupied; 24.7% of the dwellings valued between \$50,000 and \$99,999 and 24.8% of those valued between \$100,000 and \$149,999 in the state of Ohio are owner-occupied.

Moreover, homeownership rates in Toledo's urban core and the Near-east Side are significantly lower than in other areas of the city. The table below depicts homeownership rates for various areas of the city.

Area	Central Toledo	Central Toledo	East Toledo	East Toledo	East Toledo	South Toledo	South Toledo	Central Toledo	Central Toledo
Census Tract	8	26	40	42	51	72.03	73.03	82.01	63
Total Housing Units	600	469	888	603	1,837	1,741	2,427	1,901	1,273
Owner-occupied housing units	280	273	328	243	736	1,605	520	1,554	988
Homeownership Rate	46.67%	58.21%	36.94%	40.30%	40.07%	92.19%	21.43%	81.75%	77.61%

Source: 2012 ACS Five-Year Estimates

Homes in Toledo remain affordable relative to other locations. However, the city has witnessed substantial fluctuations in its housing market. For instance, in 2008 the median value of owner-occupied units in Toledo was estimated to be \$101,400, up from the 2000 median value of \$75,300. Furthermore, the foreclosure crisis and the resulting drop in property values undoubtedly demonstrates how even the 2008 statistics fail to accurately account for current housing characteristics. The 2010-2012 Three-Year Estimates demonstrate that the median value of owner-occupied units in Toledo is \$83,000. In comparison, the median value of such units was \$108,400 for the county and \$130,600 for the state.

There are 52,876 renter-occupied housing units in Toledo. The largest proportion of renters, comprising 39.5%, pay between \$500 and \$749 per month for their units; the share of renters

who pay between \$750 and \$999 follow at 22.1%, and 18.7% of renters pay between \$300 and \$499 per month.

An independent research group conducted a rental market study of the central Toledo area in 2004 to investigate options for low-income housing development with tax-credit financing. The study included an analysis of market-rate and subsidized apartment units by size, vacancy rates, and median rents. This is the most recent comprehensive housing market analysis provided by HUD for the City of Toledo. The study revealed that the average two-bedroom apartment, which makes up 44% of the total rental market, rents for \$515 per month. An analysis of Multi-family rental housing in mid-year 2012 conducted by Reichle Klein Group, a major real estate service company in the region, revealed that the average rental rate for a two bedroom apartment in the City was \$650. Given the U.S. Department of Housing and Urban Development's (HUD) housing affordability index, a household's total housing costs (rent or mortgage and utilities) should not exceed 30% of the total household income. According to HUD, the 2014 Fair Market Rent for a two-bedroom apartment in the Toledo, OH MSA is \$677.

In order for the average two-bedroom apartment to meet the housing affordability index, the household renting the unit must earn \$2,167 in income monthly, or \$26,000 annually. Similarly, a two-bedroom apartment renting at current FMR requires that the household make \$2,223 in monthly income or \$26,680 annually. Any household living in a two-bedroom apartment that does not at least meet this income threshold would experience a housing cost burden.

Over 30% of families in Toledo make less than \$25,000 per year. This suggests that a significant number of Toledoans are experiencing a housing cost burden. The economic recession along with the priorities of the previous administration and current Congress have created a situation in which Congress decided against funding the increased housing subsidy program costs; they did this by either cutting or maintaining existing levels of funding appropriations for fiscal years 2005 through 2007. This, coupled with the widespread loss of family income, rising rents, and the increasing quantity of persons in need of assistance had generated a crisis in many areas of the country. As the Center on Budget and Policy Priorities states,

In recent years, Congress has funded a modest increase in the number of households served by Housing Choice Vouchers and several smaller programs aimed primarily at the elderly and people with disabilities. These gains, however, largely have been offset by a loss of units through other programs (for example, demolition of public housing or termination of project-based rental assistance because the owner chose to end participation).

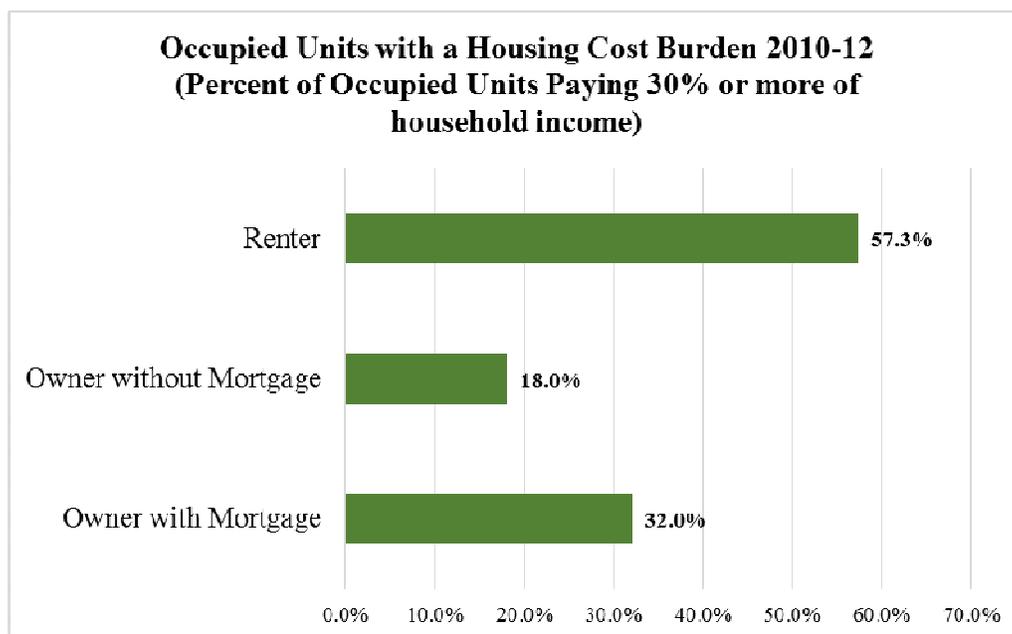
The federal government spends 2.8 times as much on tax subsidies for homeownership — more than half of which benefits households with incomes above \$100,000 — as on rental assistance.

Source: <http://www.cbpp.org/cms/index.cfm?fa=view&id=3890>

Already extensive waiting lists have expanded even further, federal funding failed to allow local housing authorities to meet their commitments, and, in some areas, funding had nearly been

exhausted, threatening indefinite waits or even the termination of assistance to a portion of existing recipients. Moreover, the funds that Congress allocates to these programs do not contain sufficient amounts for additional counseling and training that would allow for the coupling of a mobility program with existing assistance programs. As is evidenced by the lengthy waiting lists and lack of programmatic flexibility of the public housing authority serving the City of Toledo and surrounding areas, federal appropriations have still been unable to adequately meet the rising need of local housing authorities.⁸

Additionally, due to HUD’s altered methodology for calculating payments to housing authorities, dollars available for housing subsidies have been further strained. Housing authorities, including Lucas County Metropolitan Housing Authority, are dealing with the dilemma by either having to reduce the number of families they serve and/or by increasing the amount of rent tenants must pay. If the housing authority chooses the latter option, many tenants will need to pay in excess of 30% of their monthly income for their housing expenses. This will undoubtedly increase the number of Toledo residents experiencing a housing cost burden.



Source: American Community Survey Three-Year Estimates 2010-2012

The numbers suggest that homeowners are more conservative or, as is probably the case, homeowners just have more financial flexibility than renters. Only 26.84% of homeowners reported that their housing costs were more than 30% of their monthly incomes. In fact, the majority of homeowners without a mortgage (67.2%) reported that 19.9% or less of their monthly income went to pay for their housing costs. By contrast, 57.3% of renters and 32.0% mortgage-holders, both significantly larger proportions than those observed in the category of

⁸ For further information, see: “HUD Budget Contains Major Funding Shortfalls” (May 2008) and “Funding Shortfalls Causing Cuts in Housing Vouchers” (September 2009) by Douglas Rice et al.; published by the Center on Budget and Policy Priorities and accessible at <<http://www.cbpp.org/cms/index.cfm?fa=view&id=2916>> & <<http://www.cbpp.org/cms/index.cfm?fa=view&id=128>>.

homeowners without mortgages, reported that they must designate 30% or more of their monthly income to the payment of housing costs.

ECONOMIC, EMPLOYMENT, AND TRANSPORTATION ISSUES

Toledo is served by diversified transportation facilities, including: four Interstate Highways; 11 state and U.S. Highways; four rail systems and its own commercial airport (Toledo Express). The Toledo Area Regional Transit Authority (TARTA) provides mass transit bus service to the city and surrounding area. The Toledo-Lucas County Port Authority provides cargo facilities for ships via its operation of the Port of Toledo at the mouth of the Maumee River, and it also manages Toledo's commercial and general aviation airports.

The following four major acute care hospitals are located in Toledo: ProMedica Toledo Hospital with 717 staffed beds; St. Vincent Mercy Medical Center with 394 staffed beds; University of Toledo Medical Center with 249 staffed beds; and St. Anne Mercy Hospital with 112 staffed beds.⁹

According to 2013 Three-Year ACS estimates, 61.9% of residents 16 years of age or older were in the workforce in Toledo. The vast majority of Toledo residents, at 81.2%, drives to work alone, whereas 9.9% carpool. A much smaller percentage of workers utilizes public transportation or walks to work, at 2.3% and 3.2% respectively. As the Toledo Metropolitan Area Council of Governments (TMACOG) noted in its August 2013 Congestion Management Process Key Report Content document, "when compared to state and national averages, an even greater percentage of individuals in the Toledo urban area drove to work alone with 84.16% in Lucas County and 83.89% in Wood County (2010 American Community Survey data)."¹⁰

In terms of types of employment, an increasing number of people are moving into sales and service occupations. In 2013, 23.9% of Toledo residents were involved in sales and office employment, 26.2% were in management, business, science, and arts occupations, 18.9% were employed in production, transportation and material moving occupations, and 23.6% were in service occupations. With regard to employment sectors, 83.1% of the workforce was comprised of private wage and salary workers, 12.2% were government employees and 4.4% were self-employed.

While it seems as if Toledo has shifted from its traditional role as a blue collar, manufacturing city by the occupations of its citizens, a significant manufacturing presence remains. The major industry in Toledo is broken down as follows: 25.7% educational, health care and social services; 14.2% manufacturing; 12.3% arts, entertainment, recreation, accommodations and food services; 11.4% retail trade; and 9% professional, scientific, management, administrative and waste management services.

⁹ Source: http://www.ahd.com/states/hospital_OH.html

¹⁰ Source:

http://www.tmacog.org/TransportationMeetings/System%20Performance%20&%20Monitoring/July%202013/CMP_Key_Content.pdf

INDUSTRY	Number	Percent
Civilian employed population 16 years and over	116,322	100%
Educational services, and health care and social assistance	29,844	25.70%
Manufacturing	16,477	14.20%
Arts, entertainment, and recreation, and accommodation and food services	14,304	12.30%
Retail trade	13,225	11.40%
Professional, scientific, and management, and administrative and waste management	10,429	9.00%
Transportation and warehousing, and utilities	7,160	6.20%
Other services, except public administration	5,773	5.00%
Construction	5,127	4.40%
Finance and insurance, and real estate and rental and leasing	4,250	3.70%
Public administration	3,716	3.20%
Wholesale trade	3,339	2.90%
Information	2,111	1.80%
Agriculture, forestry, fishing and hunting, and mining	567	0.50%

Source: American Community Survey Three-Year Estimates 2013

With regard to income in Toledo, 43.8% of households earn between \$25,000 and \$74,999 annually. The ranges of income can be broken down further, with 12.9% of households earning between \$25,000 and \$34,999, 14.2% earning between \$35,000 to \$49,999, 16.7% earning between \$50,000 and \$74,999, and 8.7% earning between \$75,000 and \$99,999 annually.

A noteworthy portion of the households in Toledo is still severely lacking in income. While the reported incomes for many households were comfortably above the median household income (\$32,263), 40.3% of the households made less than \$25,000 per year. This can signal that, from an economic standpoint, not everyone is in a position to equitably partake in all that the community has to offer; the sizeable proportion of low-income households also has implications for the demand for services, the community's transportation and housing needs, and the strength of the tax base and local economy.

The 2014 *Demographia International Housing Affordability Survey* by Demographia and Performance Urban Planning, ranks 360 metropolitan markets in nine countries. It rates housing affordability using the "Median Multiple" method, which is the median cost of a home divided by the median household income. Accordingly, an analysis of the relationship between the median household income and the median cost of a home for Toledo and its comparable geographies may add some insight regarding access to housing in strictly financial terms. The median household income in Toledo in 2013 was estimated to be \$32,263, and the median value of a home was \$78,400, a difference of \$46,137. The median value of a home in Toledo, therefore, is about two-and-a-half times (2.43) the amount of the median household income.

A comparison of the relationship between the median household income and the median home value across the state as well as nationally demonstrates how Toledo measures up to other geographies from a housing affordability standpoint. The median household income for the state of Ohio was \$47,782 and the median home value was \$128,100, a difference of \$80,318. Unlike in prior reporting periods, this is somewhat higher of a ratio, as the median home value in Ohio is over two-and-a-half times (2.68) the median household income. As the geographic scope of the statistics expand from city to state to country, the trend departs even further from affordability. The median household income nationally was \$52,176 and the median home value was \$173,200 in 2013, a difference of \$121,024. This placed the median home value nationally at well over three times (3.32 times) the value of the median household income.

Transportation – the links between work, home, and other destinations

As a fair housing organization serving Northwest Ohio, the Toledo Fair Housing Center (the Center) has become concerned that the rights of people with disabilities and those in other protected classes to equal access to housing of their choice is in jeopardy. Recent proposals and decisions to withdraw from or greatly diminish transit services in several communities potentially place these communities in a state of noncompliance with their duty to affirmatively further fair housing and/or other civil rights obligations. City and County officials as well as organizations with missions similar to that of the Center have also expressed significant concern regarding these actions.

In March of 2012, Perrysburg voters approved a referendum to opt out of TARTA transit service. The City Council had earlier approved the inclusion of the measure on the ballot. As a direct result of these actions, TARTA transit service to Perrysburg terminated on September 22, 2012. Recently, a number of communities have also considered and placed transit exit options on their ballots. Fortunately, though, Perrysburg was not a successful trendsetter in this area in 2012. Voters in Spencer and Sylvania Townships, for instance, voted down transit exit options in November of 2012. At this same time, nevertheless, Perrysburg voters rejected a 1.45-mill, five-year levy that would have hired a private transit provider out of St. Louis to operate Perrysburg's transit system. The most recent "fix" for the transit deficit in Perrysburg was a 0.8-mill, five-year levy that appeared on the ballot in May of 2013. Voters approved the bare-bones proposal, which will generate \$459,146 per year to fund two buses that will provide call-a-ride service as well as a shuttle that will run a scheduled route for three hours in the morning and three hours in the evening.

In related news, Perrysburg City Council passed an endorsement in February of a 16-17 million-dollar, accessible housing complex that will contain 69 independent-living units for seniors aged fifty-five years and older. The developers are currently seeking government funds for the complex. While this action seems to demonstrate a commitment to accessible housing, even the Executive Director of the Ability Center, Tim Harrington opined, "While normally we support such an endeavor, we cannot in this case, as Perrysburg does not have a public transit system in place. Seniors and people with disabilities rely heavily on public transportation, and Perrysburg voters recently turned down a levy to support transportation in their community."

In November 2013, however, a referendum that would result in Spencer Township opting out of TARTA services appeared on the ballot once again and was successful. Rossford then featured such a referendum on its ballot in November of 2014 (due to missing a filing deadline earlier). This went to the voters, who overwhelmingly voted to keep TARTA services -- the final unofficial tally was 1,419-752 against opting out of TARTA. As one commenter observed about the Rossford situation,

Contracting with a private provider to replace TARTA service would likely cost twice as much. And no local shuttle could deliver the regional connections that Rossford's residents, employers, and employees need.

TARTA provides about 50,000 rides a year in Rossford; use of call-a-ride service is up 10 percent this year. Residents, employers in the city's industrial park, and retail centers depend on TARTA service, including runs from downtown Toledo nearly every 90 minutes. If voters withdraw from TARTA, that service would end, probably within 30 to 60 days.

Rossford's membership in TARTA isn't just about that city; it affects the entire region. Economies are regional, crossing municipal, county, and even state boundaries, as people move to and from where they live, work, shop, eat, recreate, and obtain medical services. This region has gone in reverse the past two years, with two communities — Perrysburg and Spencer Township — leaving TARTA.

Despite these losses, demand for local transit service is up: TARTA ridership grew by 1 percent last year. The system reports nearly 3.5 million annual passenger boardings, with service in seven communities: Toledo, Maumee, Rossford, Waterville, Ottawa Hills, Sylvania, and Sylvania Township. Nearly 14 percent of Toledo households don't have vehicles, according to Census figures. The region ranks among the worst U.S. metropolitan areas for its share of jobs in neighborhoods that are served by public transit.

Transit and transit-oriented development mean a stronger regional economy. They reduce road congestion and wear, get people to jobs, improve air quality, conserve energy, and give people choices in a more-balanced transportation system. That's why this region should focus on encouraging other communities to join TARTA — Oregon and Springfield Township are logical candidates — and improving service with a more sustainable, reliable, and fair funding system.¹¹

In addition to the strong arguments for regional transit above, these communities benefit from the availability of federal funds such as the Community Development Block Grant (CDBG) as places within Lucas and Wood Counties. In order to receive such funds, grantees must certify that “the grant will be conducted and administered in conformity with the Civil Rights Act of 1964 and the Fair Housing Act, and the grantee will affirmatively further fair housing.” While there is no statutory definition of the Affirmatively Furthering Fair Housing (AFFH) duty, it

¹¹ <http://www.toledoblade.com/Editorials/2014/09/30/A-transit-vote-for-the-region.html>

generally requires the development and implementation of a comprehensive strategy that is designed to identify and overcome barriers to fair housing choice. Furthermore, a grantee's "AFFH obligation is not restricted to the design and operation of HUD-funded programs at the State or local level. The AFFH obligation extends to all housing and housing-related activities in the grantee's jurisdictional area whether publicly or privately funded." Public transit, as part of the crucial housing-transportation-jobs nexus, is certainly a "housing-related activity." Consequently, each recipient jurisdiction must report on access to transportation in its Analysis of Impediments to Fair Housing Choice (AI) and annual Action Plans, which grantees must complete to continue receiving CDBG funds. Therefore, unless these communities resolve this issue, they or the larger jurisdictions of which they are a part must acknowledge the lack of transit options in the annual update of its AI, investigate the matter, and take affirmative steps to remedy any barriers to equal housing choice that the lack of public transit is creating.

These communities' recent decisions regarding the provision of public transportation in their jurisdiction call into question the validity of applicable certifications that these communities and/or their larger jurisdictions are fulfilling their AFFH obligations. When a grantee's certification becomes disputed, its funding is similarly in jeopardy. In addition to the funding implications of these decisions, these communities' withdrawal from TARTA service and their disappointingly inadequate levy proposals and/or lack of replacement services are likely having a disparate impact on persons with disabilities and, potentially, other protected classes as well. In communities that engender auto-dependency and, especially, for people with disabilities, access to public transportation is often essential to daily life. As recent public meetings and the study by Bowling Green State University Public Administration students have emphasized, the need for public transportation throughout Wood County is severe and has significant, negative effects on people's lives.

Thus, the Toledo Fair Housing Center and its partners in this effort would urge these communities (and any others considering this path) to reconsider their decisions and choose, instead, to demonstrate a strong commitment to civil rights. Without a means to get from home to places of work, shopping, services, and worship, residents are left stranded and unfairly disadvantaged. As the Toledo Fair Housing Center advocates, and as jurisdictions receiving many forms of federal funding have certified themselves to ensure, everyone deserves equal access to housing of his or her choice.

ASSISTED HOUSING

The Lucas Metropolitan Housing Authority (LMHA) is the principal subsidized housing provider serving the metropolitan area. LMHA provides housing for residents and operates 7,316 subsidized units. Of the 7,316 total housing units, 47 correspond to the Section 8 Moderate Rehabilitation Program; 4,524 are under the Section 8 Housing Choice Voucher Program (HCVP)¹²; and approximately 2,475 units are in LMHA's Public Housing Program (PH).¹³ These units are located among 25 developments and over 200 scattered site units across Lucas County.¹⁴ LMHA has HCVP participants who lease units in not only Lucas County, but also in Wood and Fulton Counties in Ohio as well as in Monroe County, Michigan.

According to HUD's "Picture of Subsidized Households 2009-2013" data, of the total 11,023 subsidized housing units in Lucas County, 10,515 are located in the City of Toledo.¹⁵ One hundred thirty-one housing projects exist in the City of Toledo, of which 7 are part of LMHA's PH; 61 are low-income housing tax credit program projects; 1 is a Section 236 project; 42 are part of the Section 8 New Construction and Substantial Rehabilitation Program; and 20 are part of other multi-family assisted programs.¹⁶ Additionally, the Mental Health and Recovery Services Board of Lucas County oversees housing services provided through service providers such as Neighborhood Properties, Inc., which owns and operates 565 apartments in 62 locations in Greater Toledo,¹⁷ and Treatment Alternatives to Street Crimes, Inc., which operates three separate HUD funded housing projects that provide permanent supportive housing services to adult substance-abusing offenders.¹⁸

Despite these figures, a large number of persons are still seeking housing assistance. Not only does LMHA report a large number of persons on its conventional and Section 8 HCVP waiting lists, but, as the 2010-2012 American Community Survey Three-Year Estimates reveal, approximately 57.3% of renters in Toledo are spending 30% or more of their monthly income on rent.

According to LMHA's Proposed Five Year Plan 2015-2019,¹⁹ the Public Housing Program's waiting list was comprised as follows:

- Families total 1,508
- Families with income from 0% to 30% of the area median income total 1,345 or 89.1%.

¹² Section 8 certificate and voucher programs were merged. They are now called the Housing Choice Voucher Program (HCVP).

¹³ Source: HUD. <http://www.huduser.org/portal/datasets/picture/yearlydata.html>

¹⁴ Source: LMHA website <http://www.lucasmha.org/Services/AssetPropertyManagement/tabid/60/Default.aspx>

¹⁵ While this number appears to be a significant decrease since the 2010 AI, the 2013 Picture of Subsidized Households data is merely a re-forecast of 2009 data using 2010 Census data. Thus, the figures are neither actual, nor necessarily represent existing trends. As a result of this data limitation, specific explanations (or even the accuracy of the decrease) cannot be provided.

¹⁶ Source: HUD. <http://www.huduser.org/portal/datasets/picture/yearlydata.html>

¹⁷ Source: <http://www.neighborhoodproperties.org/>

¹⁸ Source: <http://www.lucastasc.org/programs.html>

¹⁹ LMHA's Five Year Plan 2015-2019 is available at <http://www.lucasmha.org/LinkClick.aspx?fileticket=LyJ2jDBI20k%3d&tabid=69>.

- Families with children total 565 or 37.5%
- Families with disabilities total 330 or 22%
- Families who are African-American total 1,050 or 69%.

According to LMHA’s Five Year Plan 2015-2019, the Section 8 Housing Choice Voucher Program’s waiting list was comprised as follows:

- Families total 7,893
- Families with income from 0% to 30% of the area median income total 6,945 or 88%
- Families with children total 2,891 or 36.6%
- Families with disabilities total 694 or 8.8%
- Families who are African-American total 5,954 or 75%.

The table below illustrates how the total numbers and composition of these waiting lists have changed between five-year planning periods. As one can see, both lists have a greater number of total families. Nevertheless, the percentage of African American families and families with disabilities has increased over the five-year planning periods in a manner that outpaces the overall growth in the total number of families. These data raise fair housing concerns because both of these categories of families represent protected classes.

Section 8 Program's waiting list	2010-2014		2015-2019		Change
	Number	Percent	Number	Percent	
Families total	6831	100.0%	7893	100.0%	15.55%
Families with income from 0% to 30% AMI	6492	95.0%	6945	88.0%	6.98%
Families with children	4625	68.0%	2891	36.6%	-37.49%
Families with disabilities	506	7.0%	694	8.8%	37.15%
Families who are African-American	4654	68.0%	5954	75.0%	27.93%
Public Housing Program’s waiting list					
Families total	675	100.0%	1508	100.0%	123.41%
Families with income from 0% to 30% AMI	591	88.0%	1345	89.1%	127.58%
Families with children	432	64.0%	565	37.5%	30.79%
Families with disabilities	143	21.0%	330	22.0%	130.77%
Families who are African-American	383	57.0%	1050	69.0%	174.15%

These statistics are significant, as LMHA’s PH housing stock and waiting lists have historically exhibited vastly disproportionate percentages of African-American families. Indeed, the LMHA remains under a court order, resulting from the Jaimés decision, to desegregate its conventional housing complexes. Formerly, this was a difficult task to accomplish since the PH waiting list was almost entirely comprised of African-American families. The PH waiting list’s proportion of African-American families, comprising approximately 69% in FY2015, up from 57% in the 2010-2014 period might call into question LMHA’s commitment to meet the terms of the Jaimés decision and to diversify the racial composition of the PH housing complexes. The waiting lists are, after all, comprised of the families who will one day reside in LMHA’s public housing.

The percentage, thus, is higher than levels observed in the 2005 and 2010 Analyses. Other than “extremely low income,” the familial category comprising the most substantial majority of total families on both of LMHA’s waiting lists remains that of African-American families. While the unemployment rate for the Toledo MSA was reported to be 6.3% in July 2014 by the Bureau of Labor statistics and the 2010-2012 ACS Three-Year Estimates place the City of Toledo’s poverty rate at 28.5%, the American Community Survey Three-Year Estimates from 2010-2012 report poverty rates for African-Americans in the City of Toledo at 44.2% and the unemployment rate for the population at 27%. Statistics corresponding to Lucas county were slightly lower (approximately 42.5% and 26.3%, respectively), but still troubling. All of these statistics have worsened since the last Analysis, which demonstrates how the benefits of the economic “recovery” have only reached certain segments of the population. What such statistics reveal is a greater societal issue in operation. As African-Americans continue to disparately experience the negative effects of poor economic conditions, the task of agencies like LMHA to address the disproportionate needs of this population become even more challenging to achieve.

LMHA serves a large cross section of the population. LMHA provides housing for approximately 2,140 persons who are 62 years of age or older. LMHA also provides housing for an estimated 3,829 persons who are disabled. LMHA operates 25 development sites serving the needs of individuals in the PH program. LMHA consists of the following programs: Public Housing, Section 8 Housing Choice Voucher Program and the Section 8 Moderate Rehabilitation program Public Housing, and special purpose voucher programs such as Family Unification and VASH. LMHA’s owns and operates its PH properties. LMHA’s Section 8 programs subsidize participants’ rent by paying a portion or all of the rent to private landlords.²⁰

Program	Total people	% Disabled	Disabled tenants
PH	5327	0.26	1385
HCV	9774	0.25	2444
MR	43	n/a	n/a
All, total			3829

Program	Total people	% Aged 62+	Tenants Aged 62+
PH	5327	0.20	1066
HCV	9774	0.11	1075
MR	43	n/a	n/a
All, total			2141

In addition, LMHA operates affordable Homeownership Programs through which LMHA sells houses developed by LMHA to low and moderate-income families. The first two programs fall under the Neighborhood Stabilization Program of the City of Toledo and Lucas County. Through one program, LMHA acquires, rehabilitates, and resells homes, and under the other, LMHA constructs new homes. In order to be eligible for the first program, an applicant must

²⁰ Source: HUD. “Picture of Subsidized Households 2013.” accessible at <http://www.huduser.org/portal/datasets/picture/yearlydata.html>; LMHA Proposed Five-Year Plan 2015-2019 accessible at <http://www.lucasmha.org/LinkClick.aspx?fileticket=Lj2jDBI20k%3d&tabid=69>.

successfully complete a homebuyer's education program, earn less than 120% of the Area Median Income for his or her household size, and be able to obtain a mortgage loan from a conventional lender. In some cases, LMHA is willing to conduct a lease purchase transaction with an applicant. The sale of new homes is either limited to those making less than 120% of AMI or to those making no more than 80% of AMI, depending on the development and/or particular home. Each new home is sold with a 15-year property tax abatement and down payment assistance. Finally, the Section 8 Housing Choice Voucher Homeownership Program allows participants to apply their Section 8 funds to mortgage payments. Applicants desiring to participate must have full-time employment (unless elderly or disabled), meet minimum income requirements (lower for elderly and disabled individuals), and be able to acquire a home mortgage loan through a conventional lender.²¹

The Section 8 HCVP program remains the most popular program among LMHA clients because it allows families to choose where they will live using the Section 8 HCVP voucher. However, many families complain that the housing, which qualifies for selection under the program, is of substandard quality and/or is only available in limited, concentrated locations. Owing to the dearth of private market housing providers that accept Section 8 HCVP vouchers in low poverty, high opportunity areas, the doors of opportunity and housing choice, thus, continue to be rather limited, even in this program meant to increase mobility and decrease segregation.

Like every housing provider, LMHA must comply with all laws relating to Civil Rights. Moreover, LMHA declares that it will not discriminate on the basis of race, color, religion, religious creed, sex, military status, national origin, handicap, disability, familial status, ancestry, and sexual orientation in the leasing, rental, or other disposition of housing or related facilities. These requirements include any project or projects under the jurisdiction of LMHA and/or covered under an annual contributions contract.

Additionally, LMHA will not deny admission to any group or category of otherwise qualified applicants. This practice results from LMHA's intention to treat each applicant in a particular group or category as an individual case, not as part of a routine process. Furthermore, LMHA states in its Admissions and Continued Occupancy Policy that it will identify and eliminate situations or procedures that create barriers to equal housing opportunities. In conjunction with these efforts, LMHA should make every attempt to adhere to Section 504 requirements and the Fair Housing Amendments Act of 1988, which require LMHA to make structural modifications and reasonable accommodations. Such policies permit individuals with disabilities to take advantage of LMHA's housing and non-housing programs.

LMHA's policy is to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

- Is a family as defined by regulation;
- Heads a household where at least one member of the household is either a U.S. citizen or is an eligible non-citizen. (24 CFR Part 5, Subpart E).

²¹ LMHA. "Services of LMHA: Homeownership." Accessible at <http://www.lucasmha.org/Services/HomeOwnership/tabid/62/Default.aspx>

- Has an Annual Income at the time of admission that does not exceed the low-income limits for occupancy established by HUD and posted separately in the PHA offices. The Quality Housing and Work Responsibility Act of 1998 authorizes PHAs to admit families whose income does not exceed the low-income limit (80% of median area income) and the PHA is required to meet the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income). It is the policy of the LMHA to meet the income-targeting requirement.
- Provides a Social Security number (SSN) for all family members that have a SSN or will provide written certification that they do not have Social Security numbers;
- Meets or exceeds the standards for the criminal background check;
- Meets or exceeds the tenant Selection and Suitability Criteria as set forth in the LMHA Admissions and Continued Occupancy Policy.

To be eligible for the public housing program, the applicant family must:

- Qualify as a family as defined by HUD and LMHA;
- Have income at or below HUD-specified income limits;
- Qualify on the basis of citizenship or the eligible immigrant status of family members;
- Provide social security number information for household members as required;
- Consent to LMHA's collection and use of family information as provided for in LMHA-provided consent forms; and

The LMHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or LMHA.²²

As the aforementioned policy states, an applicant must qualify as a family to be eligible for assistance. A family may be, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person or a group of persons. *Family*, as defined by HUD, includes a family with a child or children, two or more elderly or disabled persons living together, one or more elderly or disabled persons living with one or more live-in aides, or a single person. A single person family may be an elderly person, a displaced person, a disabled person, or any other single person. LMHA recognizes domestic partnerships, in compliance with Toledo Municipal Code Chapter 114 Domestic Partnership Registry. A family also includes two or more persons who intend to share residency, whose income and resources are available to meet the family's needs, and who have a history as a family unit or show evidence of a stable family relationship for at least one year, if not legally married.

Thus, if eligible as a family, the applicant must also meet HUD requirements regarding citizenship or non-citizen immigration status, annual income limits based upon family size, and provide documentation of Social Security numbers for all family members aged six and over. LMHA provides further details concerning eligibility for assistance in chapter three of their Admissions and Continued Occupancy Policy (ACOP).²³

²² Source: Amended Admissions and Continued Occupancy Policy, accessible at <http://www.lucasmha.org/LinkClick.aspx?fileticket=Zvp7GGpPsw%3d&tabid=69>

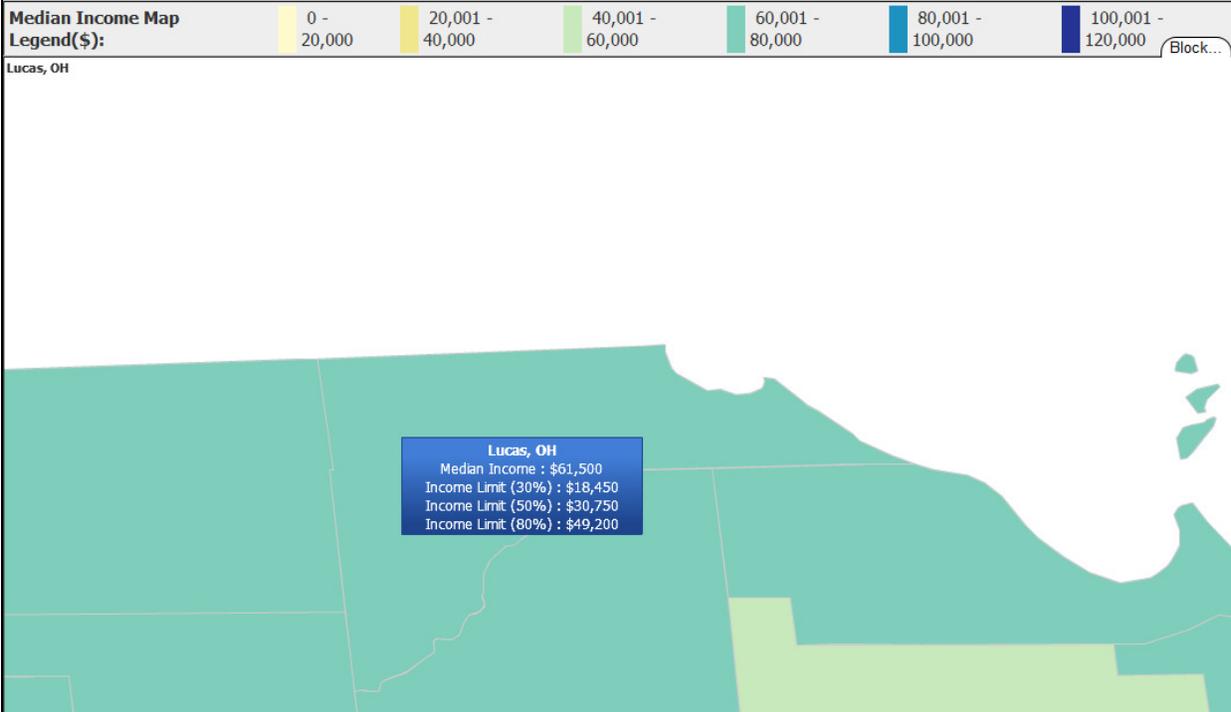
²³ Source: LMHA Amended Admissions and Continued Occupancy Policy, accessible at <http://www.lucasmha.org/LinkClick.aspx?fileticket=Zvp7GGpPsw%3d&tabid=69>

In the Toledo area, applicants are grouped into either extremely low-income (ELI) or low-income. ELI families have incomes between 0% and 30% of Toledo's area median income. ELI families must constitute at least 40% of LMHA's admissions in annually. Low-income families have incomes between 31% and 80% of Toledo's area median income. Families in this group must comprise the remainder admissions any year. The admissions requirement emerged from the Quality Housing and Work Responsibility Act of 1998.

FY 2014 Income Limits Summary										
FY 2014 Income Limit Area	Median Income	FY 2014 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Lucas County	\$57,100	Very Low (50%) Income Limits (\$)	20,000	22,850	25,700	28,550	30,850	33,150	35,450	37,700
		Extremely Low (30%) Income Limits (\$)*	12,050	15,730	19,790	23,850	27,910	31,970	35,450*	37,700*
		Low (80%) Income Limits (\$)	32,000	36,600	41,150	45,700	49,400	53,050	56,700	60,350

Interactive Map : 2010 Section 8 Income Limits

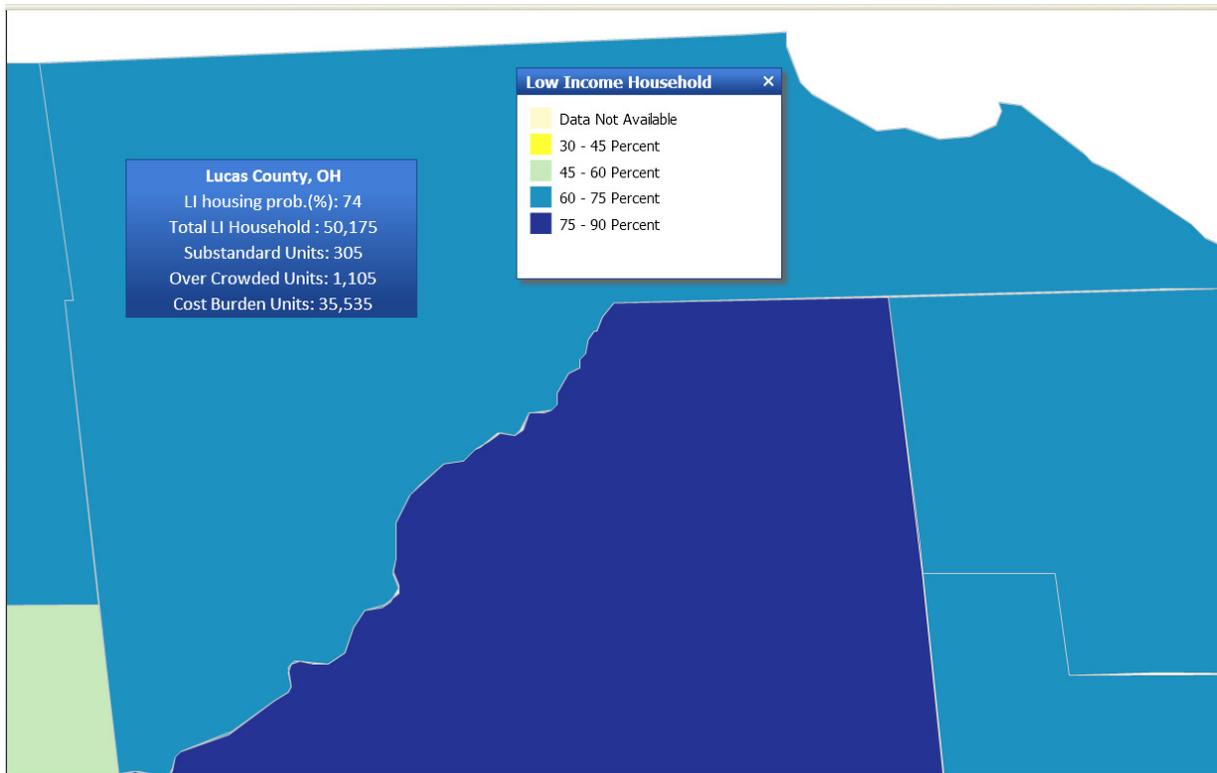
The system provides a mini-documentation of the development of the FY 2010 Section 8 Income Limits for any area of the country selected by the user. The user is provided a tooltip containing the name of the county, its median Income and the various **4 person Income limits** like Very-Low Income (50%), Extremely-Low Income (30%), and Low Income (80%).



Source: <http://www.huduser.org/tmaps/incomeLimits/il.html>

Interactive Map : Housing Problems of Low Income Households

This map shows a county level summary of housing problems of low income households. Low income households ("LI households") are those making less than 50% of the area median income. The various housing problems are: lacking complete kitchen or plumbing facilities (substandard), having more than 1 person per room (overcrowded), and paying more than 30% of gross income towards housing costs (cost burdened). We assume that lacking complete kitchen or plumbing facilities is the most severe housing problem, followed by overcrowding, followed by cost burden. If a household has more than one of these problems they are counted with the most severe problem. These maps are produced from Table 3 of HUD's CHAS data.



Source for maps: HUD Office of Policy Development and Research. "Interactive Thematic Maps." Accessible at <http://www.huduser.org/portal/maps.html>

Given the demand for public housing, LMHA must utilize a waiting list. In its management of the waiting list, LMHA may employ restrictions on the intake of applications or even close the list altogether for a period of time. In particular, LMHA takes such actions when the number of families existing on the waiting list is sufficient enough to allow LMHA to anticipate applications to fill available housing for the succeeding 12 months. The duration an applicant resides on the waiting list is only a portion of the overall process, however, as LMHA must also review the application and conduct interviews of applicants, which can take a considerable amount of time.

As the following table illustrates, the vast majority of subsidized housing units are located in the City of Toledo. Within the city, most are sited in either racially well integrated or predominately African-American and Hispanic neighborhoods. Very few subsidized units exist in Maumee, Holland, Swanton, and Walbridge. While LMHA has public housing units in Toledo and Holland, the vast majority of subsidized units are within the City of Toledo. Moreover, LMHA's complexes are racially segregated with the majority of African-American tenants residing in conventional housing facilities located in low-income, minority areas (Please note that -1 indicates missing data in the Picture of Subsidized Households as provided by HUD).

Name	Subsidized units available	% Occupied
Bowling Green City	397	93
Fostoria City	213	95
Fremont City	616	80
Holland Village	5	92
Maumee City	7	92
Napoleon City	31	84
North Baltimore Village	95	95
Northwood City	19	85
Oak Harbor Village	25	82
Oregon City	234	97
Ottawa Hills Village		-1
Perrysburg City	170	97
Port Clinton City	146	90
Rossford City	64	95
Swanton Village	12	87
Toledo City	10515	94
Walbridge Village	3	84
Waterville Village		n/a
Whitehouse Village		n/a
Total	12552	90.13%

Since new construction of subsidized housing in the region is an infrequent occurrence, the only avenues available for the dispersal of persons who use HUD subsidies are the Section 8 HCVP and the portion of the Low Income Public Housing (LIPH) that consists of scattered units. The Section 8 programs allow low-income persons who have Section 8 HCVP vouchers to rent units wherever they are accepted. Placement in scattered-site LIPH units allows for more widespread geographic distribution because LMHA may purchase units for its housing programs in a variety of areas, preferably those which are not already exceedingly impacted by poor socio-economic conditions.

The Department of Housing & Urban Development provides rent subsidies to low and moderate-income persons. Some of these subsidies, such as Section 8 HCVP vouchers, come in the form of direct payments to benefit individuals and enable the participant to rent housing in the open or

private market. However, HUD has limitations on what it will pay in rent subsidies. The fair market rents pose many restrictions on where families using the Section 8 HCVP vouchers can live. Owing to these constraints, many families with Section 8 HCVP vouchers are limited to rental housing in the City of Toledo where the rental costs are lower. This further exacerbates the concentration of low-income persons in the City and weakens voluntary mobility.

Many families who would, owing to their own preference, choose to live in a low poverty, high opportunity community are prohibited from doing so because of the rent restrictions that HUD enforces. Only in recent years has HUD increased its fair market rents (FMRs) and allowed for flexibility in FMR rates (i.e. over 100% for certain PHAs for certain programs/purposes) in an attempt to promote racial and economic integration and increased housing mobility. The HUD FMRs are the same for the City of Toledo and Lucas County and are illustrated in the table below.

FINAL FAIR MARKET RENTS FOR LUCAS COUNTY EFFECTIVE 2014

Final FY 2014 FMRs By Unit Bedrooms				
	One- Bedroom	Two- Bedroom	Three- Bedroom	Four- Bedroom
	\$403	\$516	\$677	\$913
				\$966

The FMRs for Lucas County have changed in some significant ways since 2010, as one can observe from the table below. Efficiency and one-bedroom rents have decreased, but two-, three-, and four-bedroom rents have all increased. This, perhaps, is due to local trends reflecting those nationally, i.e. the demand for two or greater bedroom units is exceeding and/or burdening the available supply, which, in turn, is resulting in increasing prices. Additionally, the shift of many housing consumers to rental and the recent economic downturn and foreclosure crisis have all probably contributed to this local increase in rental housing prices and demand.

FAIR MARKET RENTS FOR LUCAS COUNTY EFFECTIVE 2010	
Final FY 2010 FMRs By Unit Bedrooms	Final FY 2010 FMR
Efficiency	\$482.00
One Bedroom	\$537.00
Two Bedroom	\$664.00
Three Bedroom	\$857.00
Four Bedroom	\$934.00

In order to increase housing options for families, LMHA adopts a voucher payment standard of “above 100% but at or below 110%” of Fair Market Rents (FMRs). LMHA reevaluates its payment standards annually, considering in its assessment the success rates, rent burdens, and the dispersion of assisted families throughout the metropolitan area. Of course, LMHA may also change its voucher payment standards and policies if funding shortages begin to have a significant impact on the LMHA’s budget. Although LMHA may pay higher than FMRs through

vouchers, LMHA did not previously implement rent ceilings to ensure that families' housing costs did not exceed 30% of their adjusted monthly income. However, LMHA recently obtained approval from HUD to institute ceiling rents. This is a notable development, as, in the absence of such ceiling rents, families desiring to move into subsidized housing in a non-impacted area could pay up to 40% of their income in housing costs (rent and utilities). Generally, families who pay over 30% of their monthly income on housing are considered "burdened."

While these changes have resulted in a greater diffusion of low-income families throughout the city and among peripheral communities, several impediments still hinder low-income and racial minority families from accessing housing opportunities outside of the urban core. They include:

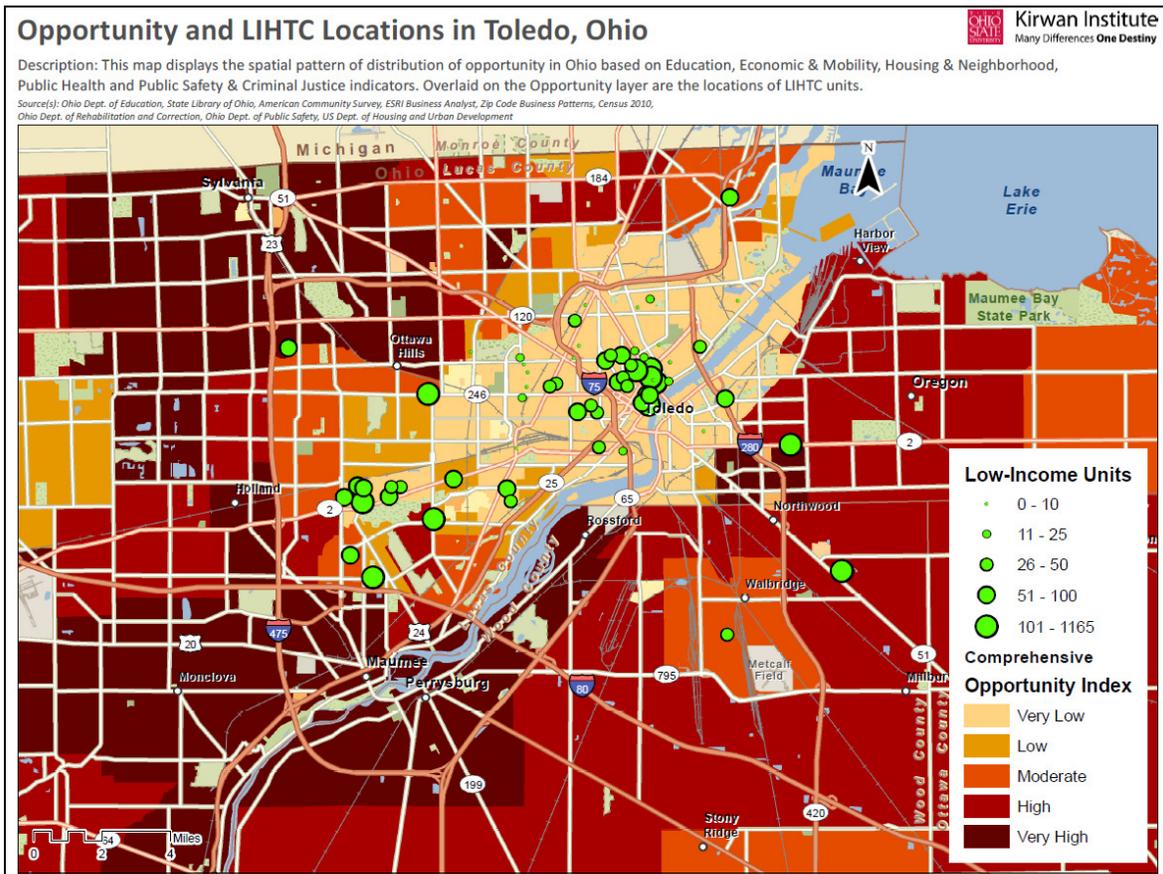
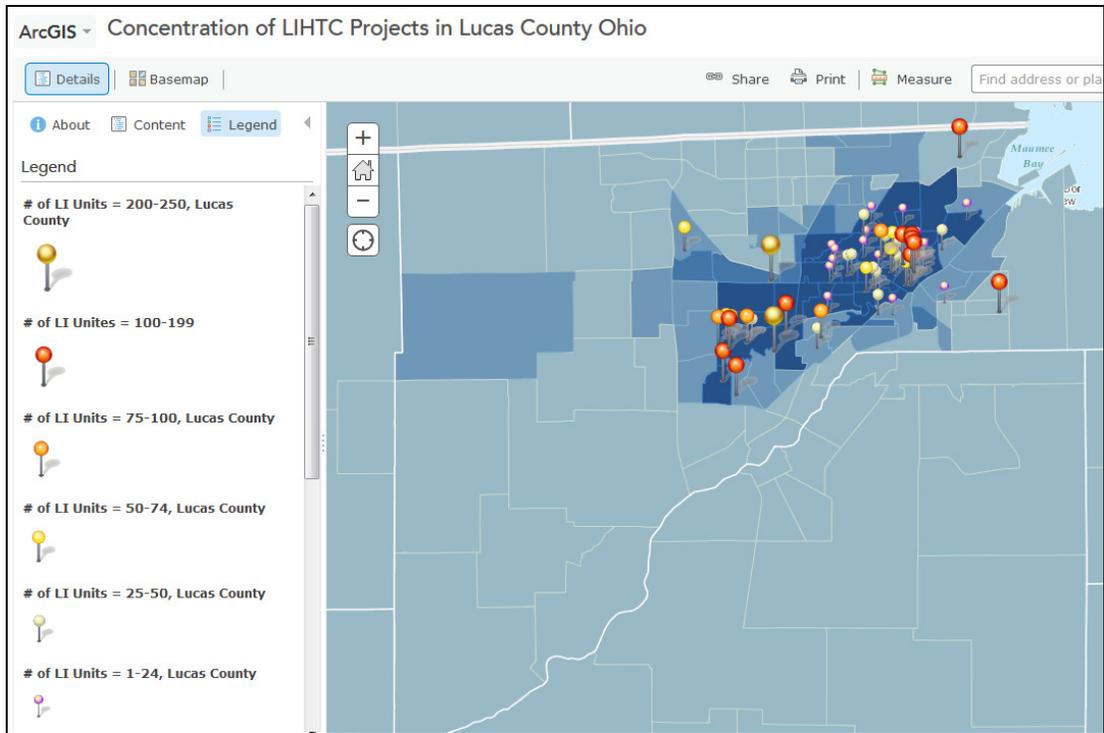
- Even though the program guarantees the receipt of rent, landlords are often hesitant to use the Section 8 HCVP program because they have misperceptions concerning the program and the voucher holders;
- In a small number of cases, landlords are reluctant to invest the funds necessary to make improvements to their unit(s), as required by LMHA;
- Landlords continue to decline to participate in the Section 8 HCVP program in low poverty areas due to the NIMBYist and/or discriminatory attitudes that they possess;
- Consumers in the program continue to experience rejection or denial resulting from poor landlord references and/or their criminal history; and
- LMHA's biggest task is to effectively market the Section 8 HCVP program to landlords. Since LMHA guarantees the payment of rents, it encourages landlords to ignore tenants' credit histories, which has positive effects in terms of equal access and the expansion of affordable housing options. LMHA does not currently partner with agencies that address fair housing concerns in order to train consumers as to how they can improve their landlord references, be a good tenant and/or ameliorate their criminal records.

Finally, LMHA may participate in demolition and disposition programs. LMHA indicates the planned demolition of two units in its Proposed Five-Year Plan. LMHA plans to dispose of many more units, though.²⁴

Low-income Housing Tax Credit Program

The maps below illustrate the concentration of low-income housing tax credit properties in Lucas County and their relation to areas of differing levels of opportunity. As is clearly apparent from the map, the overwhelming majority of units are located in and around the central city, which is a very low and low opportunity area.

²⁴ "Demolition means the razing, in whole or in part, of one or more permanent buildings of a public housing project. Disposition means the conveyance or other transfer by the PHA, by sale or other transaction, of any interest in the real estate of a public housing project, subject to the exceptions stated in § 970.2." 24 C.F.R. § 970.3.



The Center, ABLE/LAWO, the Ability Center and others have worked on comments and advocacy efforts to improve the LIHTC program and its implementation. The Center, specifically, is pursuing and encouraging ways to deconcentrate and desegregate these housing units in the Toledo region, ensure that such housing units and complexes are visitable and accessible, and make more low-income housing available in higher opportunity neighborhoods. Some of the suggestions for improvement that the Center and its partners have for the Ohio Housing Finance Agency (OHFA) and local governments and officials follow:

- The Qualified Allocation Plan (QAP) should encourage the development of family units in suburban or other high opportunity areas.

Such developments will give low-income residents the choice to move into areas that lack sufficient affordable housing options. John Powell, while Executive Director of the Kirwan Institute for the Study of Race and Ethnicity at the Ohio State University emphasized the importance of providing access to housing in opportunity areas, by stating “the opportunity structure is spatial. An individual’s location within the opportunity structure will largely determine the range and quality of opportunities they encounter. Housing policies should be oriented towards providing access to opportunity wherever it may exist. Such policies are known as ‘opportunity-based housing.’”

One of the Fair Housing Act’s promises is to develop truly integrated living patterns throughout America. Housing segregation is a lingering ill that perpetuates racial and social inequalities. Where you live can impact your quality of life and dictate what opportunities, be they economic, educational, or social, are available to you.

The Center believes that a two-pronged strategy is necessary to expand opportunities to all persons: 1) investment in communities that have suffered disproportionately from disinvestment and lack of opportunities, and; 2) increased access for all persons to areas of higher opportunity, regardless of race, color, national origin, sex, familial status, or disability. The Center commends OHFA’s inclusion of fair housing requirements for LIHTC participants, including Affirmative Fair Housing Marketing Plan, design and construction requirements, and fair housing monitoring requirements. In Northwest Ohio, the Center and its partners are concerned about the concentration of low-income housing in predominantly minority areas, as well as the lack of access to affordable housing in the suburban areas surrounding Toledo.

A family opportunity pool and the inclusion of incentives across other pools to promote affordable housing options in higher opportunity areas is vital to increasing true housing choice in areas like Lucas County where affordable housing is largely limited to low and very low opportunity areas. For example, according to 2012 maps prepared by the Kirwan Institute, only 7.4% of LIHTC units in the Toledo area are in high or very high opportunity areas, while 80.5% of LIHTC units are in low or very low opportunity areas. See the maps above. Similarly, John Powell noted in a 2011 Expert Report filed in the Jaimes v. Lucas Metropolitan Housing Authority litigation, almost three-quarters of the 3,421 Lucas County housing choice voucher holder addresses were located in low or very low opportunity areas.

The LIHTC program is the most important affordable housing program in the country. Since the early 1990s, the program has helped create about 2.4 million units of affordable housing. The LIHTC program plays a critical role in promoting housing opportunities to families outside of the traditional locations for subsidized housing. As the Poverty & Race Research Action Council (PRRAC) recently noted in its February 2013 publication *Creating Balance in the Locations of LIHTC Developments*, “LIHTC developments should provide

housing in situations where vouchers are difficult to use, in particular in high-opportunity neighborhoods where few housing units can be reached within voucher payment standards and where landlords may prefer unsubsidized tenants.” However, low-income housing tax credits are largely used in neighborhoods that already have substantial low-cost housing. Policies that promote LIHTC developments in high opportunity areas also affirmatively further fair housing.

There is currently support in the 2015 Qualified Allocation Plan (QAP) for developments in opportunity areas. The QAP awards points in both the new construction and existing unit pools for family developments located in non-Qualified Census Tracts. Moreover, in the pool for new units, developers can also get points for developments in high income census tracts. However, the points provided from these categories are greatly outweighed by points acquired through local support and local collaboration. As discussed below these points do not favor family developments in high opportunity areas. Moreover, developments in these areas may have a harder time competing for points in the cost section of the QAP. Suburban developments may have to deal with higher land costs and other higher development costs that could lead to a disadvantage. OHFA must make a commitment to reward and the City of Toledo and local governments and officials should prioritize the granting of their support for LIHTC developments proposed in high opportunity areas.

Opportunity areas and mapping are often associated with the Kirwan Institute for the Study of Race and Ethnicity. As John Powell, while Executive Director of the Kirwan Institute, explained: Decades of empirical research validate these intuitions, and vividly illustrate a powerful series of relationships between family residence and an individual’s projected life chances along a number of scales. The geographically varying set of institutions, systems and markets dramatically influence a person’s achieved socioeconomic status. Together, these institutions, systems and markets constitute the “opportunity structure.” Because the opportunity structure is spatial it can be represented and mapped using geographic information systems technology. The Kirwan Institute, for example, has used five different opportunity areas (Education and Child Welfare, Economic Opportunity and Mobility, Housing, Neighborhood and Community Development, Public Health, Public Safety and Criminal Justice) to map the state of Ohio. These maps geographically represent the State in terms of the quintiles very high, high, moderate, low, or very low opportunity. This mapping is necessary to understand where opportunity exists and where it does not (see Mobility Program section below and/or maps above for Lucas County map).

We know that place matters. The report of the Congressional bi-partisan Millennial Housing Commission, entitled Meeting Our Nation’s Housing Challenges, states “[N]eighborhood quality plays an important role in positive outcomes for families. Stable housing in an unstable neighborhood does not necessarily allow for positive employment and child education outcomes. Access to housing opportunity has important implications for an individual’s future. Economically poor areas limit employment options, contribute to poor health, expose individuals to high crime rates and provide access to least performing schools. LIHTC developments are disproportionately located near low-performing schools and schools with high rates of students receiving free and reduced-price lunch.

While not a perfect measure of opportunity areas, it is also important to note that OHFA has funded very few suburban family projects in recent years. For example, according to our analysis of awards between 2007 and 2014, there were no suburban family developments awarded in Southwest Ohio during that time period. Instead, the projects that are generally funded outside of the major cities are for senior citizens and not families. Developers are

responding to incentives and are not proposing family projects in suburban areas. In 2014, of the twenty-three proposed suburban projects, only three of those developments were family projects based on the 2014 HTC Proposal Summaries. In 2014, there were forty-eight developments labeled as family projects in cities and rural areas.

Housing policies should be oriented towards providing access to opportunity wherever it may exist. Therefore, in order to truly facilitate the placement of new family units in high opportunity areas and to expand housing choice, OHFA should set aside a pool of money dedicated to this goal and incentivize development that makes affordable housing available in higher opportunity areas. By doing this, OHFA can continue to help support the preservation of current affordable housing while expanding into opportunity areas and expanding choice for Ohio families.

- The QAP, OHFA, and the City should continue to support visitability and accessibility throughout the LIHTC program and units.

As organizations that often advocate on behalf of individuals with disabilities, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act greatly inform much of the Center and its partners' views with respect to community integration and accessibility of affordable housing. Indeed, a major priority for individuals with disabilities is the ability to live and work in the community, and have access to programs, facilities, housing and services so they can live full lives integrated in the larger community and are able to maintain relationships with family, friends and neighbors.

The Center and its partners applaud OHFA's previous work in implementing accessibility policies including visitability. Since 2007, the year that OHFA adopted visitability requirements, over 1,000 units have been built that incorporate visitability features that would not have been built otherwise under prevailing Fair Housing requirements. These standards are an important step in creating fully accessible communities. We are concerned, however, about the continuation of the Visitability Exception Pilot Program described in Section VII(D) of the draft 2015 QAP. The program allows for the highest scoring applicant in each of the New Rental Units pools to be exempt from the visitability requirements for upper floors of multifamily apartments serving a family population. This is a step back from the progress that OHFA has made in the efforts of accessibility, visitability and inclusion and is in conflict with OHFA's duty to affirmatively further fair housing and other civil rights obligations. This program rewards the highest scoring applications by allowing them to be less accessible for people with disabilities, and, in doing so, reinforces the idea that individuals with disabilities may be disregarded. Accordingly, we discourage the continuation of the Visitability Exception Pilot Program.

The Center and its partners are also concerned about the Reconsideration of Visitability Requirements option that is included in Section VII(C) of the QAP. This option allows developers of new construction units to request a waiver of visitability requirements if the project has topography or site/design limitations that are unable to support visitability requirements. Like the Visitability Exception Pilot Program, a waiver of the visitability requirements reinforces the marginalization of individuals with disabilities and undermines OHFA's past good work. Developers should not be allowed to waive visitability requirements under any circumstances. We support OHFA's efforts in allowing applicants to discuss their plans and find solutions to visitability issues in site/design with an OHFA architect, but if a solution cannot be found, the application should be removed from consideration. Similarly, the City of Toledo and local governments and officials should not grant their support for such

projects. OHFA has demonstrated through past successes that there are plenty of applicants who can meet visitability requirements, and these types of projects should be funded and supported in the future as we move towards more accessible and inclusive communities. Furthermore, the Center and its partners share concerns about the confusion that such an exemption can create where visitability ordinances exist, such as in the City of Toledo where the ordinance exists independently of OHFA's requirements and exceeds OHFA's own visitability standards.

In 2005, the City of Toledo adopted a visitability ordinance, Toledo Municipal Code, Chapter 1347. The ordinance was passed in order to ensure that newly constructed homes which receive governmental subsidies are accessible and usable to persons with disabilities and aging adults, without the need for retrofitting. Due to Toledo's ordinance, this waiver provision might not be applicable for LIHTC projects within the City of Toledo, or any other municipalities that have adopted similar visitability laws. The Center and its partners are confident that LIHTC projects will be able to comply with OHFA and municipal visitability standards in order to ensure that all projects are usable and accessible to persons with disabilities and aging adults.

The Center and its partners also hope that participants who receive funding for affordable housing preservation projects will take all reasonable steps to retrofit their units with accessible features to the exterior structure, as well as within each housing unit. Furthermore, we recommend that LIHTC participants be required to submit copies of their reasonable accommodation and modification procedures as part of their LIHTC applications in order to ensure that tenants of LIHTC projects are provided opportunities for equal use and enjoyment of their dwellings.

- The QAP should eliminate all points for local support.

The 2015 QAP provides significant points for developments that are favored by state legislators and local elected officials. The twenty points that a development can obtain from the combination of support from a state legislator and from local government is frequently decisive in the competitive funding process. To the extent that some proposed developments may be unpopular with some constituents, local officials will face criticism for supporting housing even though it meets local zoning and other local plans. This politicization of the LIHTC program is counterproductive. Moreover, it tends to allow opposition based on unlawful discrimination. The changes in 2016-2017 QAP do not ameliorate the impact of local support. The summary of the 2016-2017 QAP suggests a significant change in relation to how developments outside of urban areas are awarded points for local support. However, in the draft 2016-2017 QAP, local official approval still leads to fifteen points in areas outside of the large cities. By still putting fifteen points in play, the proposed changes do not actually change the situation. We predict that there will still be little local support for family developments in higher income census tracts. This is not a good outcome.

There is no requirement for OHFA to give points to developments that have acquired the support of local officials. In fact, federal law, 26 U.S.C. §42(m)(1)(A)(ii), simply requires that the agency "do no more than notify 'the chief executive officer (or the equivalent) of the local jurisdiction within which the building is located of such project and provides such an individual a reasonable opportunity to comment on the project.'" PRRAC, Building Opportunity: Civil Rights Best Practices in the Low Income Housing Tax Credit Program (December 2008) at pg. 10. Moreover, without taking into account control of points, local officials already have significant input and leverage with developments in their jurisdiction

through zoning powers and through the allocation of money through programs like HOME and CDBG. Giving local officials a say on points as well gives them an outsized role in the LIHTC process. The Center and its partners urge the elimination of any points for approval from local government or state legislators, especially in the context of new developments in suburban areas.

We, instead, recommend the reallocation of these points to developments that make low-income housing available in higher opportunity areas, deconcentrate LIHTC housing, and better integrate our neighborhoods racially and economically. Similarly, at the OHFA Public forum in Toledo in January 2015, the City of Toledo Division of Housing Commissioner, Alan Cox expressed the preference for a system that would allow local officials to submit an outline of the pros and cons of each proposed project rather than simply picking a few to which to grant formal support.

HOUSING MOBILITY – EXPANDING HOUSING CHOICE

As the Poverty Race Research Action Council (PRRAC) notes in its housing mobility report and manual, *Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program*,²⁵

The U.S. Department of Housing and Urban Development's (HUD) Housing Choice Voucher (HCV) program, administered by public housing agencies (PHAs) across the country, provides low income households the ability to affordably rent decent housing practically anywhere in the United States. And yet, they don't.

Studies have shown that voucher holders are concentrated in a relatively small portion of the neighborhoods with available affordable rental housing. These neighborhoods are often poorer, more racially segregated, and of lower quality than other neighborhoods; and the schools in these places are often lower performing, with high poverty rates. Many efforts are already underway to make these neighborhoods better, more livable places. But, in order to fully exercise their right to housing choice, households also need quality information about all the neighborhood and housing options available to them as well as the tools to overcome real and perceived barriers in the private rental market. This is the important role of a housing mobility program.

Mobility Programs serve to assist families who would like to choose to move to affordable, higher-opportunity, and lower-poverty neighborhoods. Such high-opportunity, lower-poverty neighborhoods are generally safer and have access to better educational and job opportunities. Major goals of the Mobility Program are to help families move to neighborhoods of their choice that better satisfy their family's needs, to reduce segregation, and to altogether improve participants' quality of life.

Benefits of Mobility Programs include:

- Higher rates of employment
- Higher incomes
- Better educational opportunities and higher academic achievement for children
- Safer living environment
- Housing stability
- Reduce economic segregation
- Improvement in overall mental and physical health
- Social networking opportunities
- Lower rates of involvement in crime related activity
- Better access to local services of higher quality
- Improved access to jobs and transportation

Common goals of Mobility Programs include:

- De-concentration
 - Poverty/ Subsidies
 - Race
- Fair housing
 - Overcoming barriers
 - Informed choice
- Improved quality of life for families
 - Safety, quality of housing & neighborhood

²⁵ Available at <http://www.prrac.org/pdf/ExpandingChoice.pdf>

- Education, health, employment
- Support Employment and Self-Sufficiency
 - Economic & racial diversity

The Lucas Metropolitan Housing Authority (LMHA), Advocates for Basic Legal Equality (ABLE), and the Toledo Fair Housing Center have been and will continue working together to encourage the creation of and moves to areas of higher opportunity. The text that follows outlines the goals, objectives, expectations, and primary tasks that the partners have taken or will undertake in order to expand housing choice among voucher-holders in the region.

Collaboration to Increase LMHA Voucher Mobility

LMHA has expressed its commitment to expanding choice for housing voucher holders through the development of a comprehensive mobility program. LMHA, ABLE, and the Toledo Fair Housing Center intend to work collaboratively to create a mobility program suitable for voucher-holding families who wish to access higher opportunity neighborhoods. The Center, ABLE, and LMHA have been at work on developing the mobility program since June of 2013, but much work remains.

Basis for Mobility Program

The partners are all committed to improving the lives and opportunities of the families who receive assistance through LMHA’s housing voucher programs. LMHA also hopes to meet goals set forth through the U.S. Department of Housing and Urban Development’s policies and regulations which encourage poverty deconcentration, affirmative furtherance of fair housing, and voucher mobility generally. These include but are not limited to the Section Eight Management Assessment Program (SEMAP) regulations, which measure program performance in deconcentration of poverty and minority populations.

LMHA and its community partners will utilize available information and resources to assist in developing the most effective program to connect families with opportunity. These resources include, but are not limited to:

- The Analysis of Impediments to Fair Housing Choice prepared by the Toledo Fair Housing Center for the City of Toledo;
- Opportunity Mapping prepared by the Ohio State University’s Kirwan Institute for the Study of Race and Ethnicity; and
- Resource Materials prepared by the Poverty & Race Research Action Council (PRRAC), including the mobility toolkit entitled, *Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program*.

Partners

LMHA has recognized that a successful mobility program requires collaboration among community partners. LMHA is committed to forging those partnerships and developing its program in conjunction with partners. The core group of partners has consisted of LMHA, Advocates for Basic Legal Equality, and the Toledo Fair Housing Center. LMHA and its core

group of partners will engage other community institutions, organizations, and members as partners as needed or as will be beneficial to the successful creation and implementation of the program. Such partners might include the City of Toledo's Department of Neighborhoods, the Ability Center, and community organizers. LMHA and its core partners will consult with other partners as well as the larger community for suggestions and to evaluate and ensure the feasibility of program goals.

Lower Opportunity Neighborhoods

By implementing this mobility program, LMHA, the Center, and ABLE agree that goals, objectives, strategies and tactics must be developed to improve opportunities for those living in "lower opportunity" or "lower income" neighborhoods. The partners' mobility program work does not dismiss or overlook the need for Community Partners to assess and implement strategies to increase opportunities in those areas. LMHA, the Center, and ABLE currently assist with projects and programs to increase opportunities in lower opportunity and lower income neighborhoods and will continue these efforts while simultaneously increasing opportunities for voucher holders to enter into other higher opportunity neighborhoods if they so choose.

Goals and Principal Objectives

The partners have adopted the following goals and principal objectives regarding the creation and implementation of a mobility program:

GOAL 1: Increase opportunities for voucher recipients to escape poverty by improving access to healthy living environments, economic opportunities, improved educational opportunities, and safe neighborhoods.

GOAL 2: Increase opportunities for voucher recipients and their children to move to a broader range of neighborhoods in order to de-concentrate poverty and affirmatively further fair housing.

PRINCIPAL OBJECTIVE 1: Based on its goals, LMHA and its partners will seek to expand neighborhood choice through the creation of a "mobility program" guided by available research and PRRAC's "Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program" (Feb. 2013).

PRINCIPAL OBJECTIVE 2: Using the PRRAC's "Expanding Choice" as guidance, LMHA and its partners will determine whether modifications to LMHA's policies covering the administration of the housing choice voucher program are advisable and/or necessary to adopt. The policy changes will be designed to improve mobility for targeted voucher recipients, so that they can move to neighborhoods with higher opportunity indices, as revealed by the research and mapping of the Kirwan Institute.

PRINCIPAL OBJECTIVE 3: Once LMHA and its partners have determined appropriate modifications to its administrative policies based on Objectives 1 and 2, LMHA will present its suggestions and proposed actions to its board of trustees for final approval and implementation as may be necessary.

Expectations of LMHA, the Center, and ABLE

ABLE and the Center intend to assist LMHA in the process of creating a housing voucher mobility program. ABLE and the Center have invested and will continue to invest significant work hours in assisting LMHA. This work includes research, coordination with other community partners, drafting of written plans and recommendations, and the development of maps, tools, and other resources. The partners all expect one another will be a collaborative member and contribute actively to the establishment and implementation of the program (e.g. information-sharing, meeting, taking good faith steps to promote the success of the partners' efforts).

LMHA recognizes that its voucher programs can experience improvement through increased mobility. LMHA expects to benefit from collaboration with the Center and ABLE by improving HCV mobility and, thereby, increase its SEMAP rating. LMHA has acknowledged that it will act as a collaborative partner and invest its resources and staff as necessary to create and implement a mobility program in collaboration with ABLE and the Center. LMHA acknowledged that, while ABLE and the Center will assist with the creation of a mobility program, LMHA will be responsible for the implementation of the program.

ABLE, the Center, and LMHA continue to work to finalize Principle Objectives 1-3 and will implement additional objectives and tactics that correspond with meeting Goals 1 and 2 in 2015. Upon finalization of program development, LMHA has expressed its intention and willingness to present any programmatic changes to its board for final approval as necessary.

Primary Tasks

In order to further the planned development of the mobility program, LMHA, ABLE, and the Center have identified the following primary tasks as a necessary part of the creation of the program. The below list is not intended to be all-encompassing, and development of the mobility program will include additional steps not specifically identified below.

Determine high-opportunity neighborhoods

The mobility program seeks to open neighborhoods of opportunity, and thus the partners have to identify high-opportunity neighborhoods. In doing so, they are using the Opportunity Framework Model developed by the Kirwan Institute. The Opportunity Framework takes into consideration numerous indicators to identify and map areas of opportunity. These indicators are set forth in the following table:

Opportunity Indicator Table

EDUCATION AND CHILD WELFARE	ECONOMIC OPPORTUNITY AND MOBILITY	HOUSING AND NEIGHBORHOOD AND COMMUNITY DEVELOPMENT	PUBLIC HEALTH	PUBLIC SAFETY AND CRIMINAL JUSTICE
Educational attainment for total population	Unemployment Rates	Home Values	Number of health clinics in a neighborhood	Adult incarcerations
Student Poverty rate	Population on Public Assistance	Housing Vacancy Rates	Access to health clinics in a neighborhood	Crime Index
Performance Index Disciplinary actions Teacher qualifications for neighborhood schools (or certified teachers)	Proximity to employment Economic Climate	Home Ownership Rate Neighborhood Poverty	Number of grocery stores Access to grocery stores	
Education quality Expenditure per pupil Dropout rate Student Teacher Ratio Proximity to libraries Graduation Rate	Mean Commute Time			

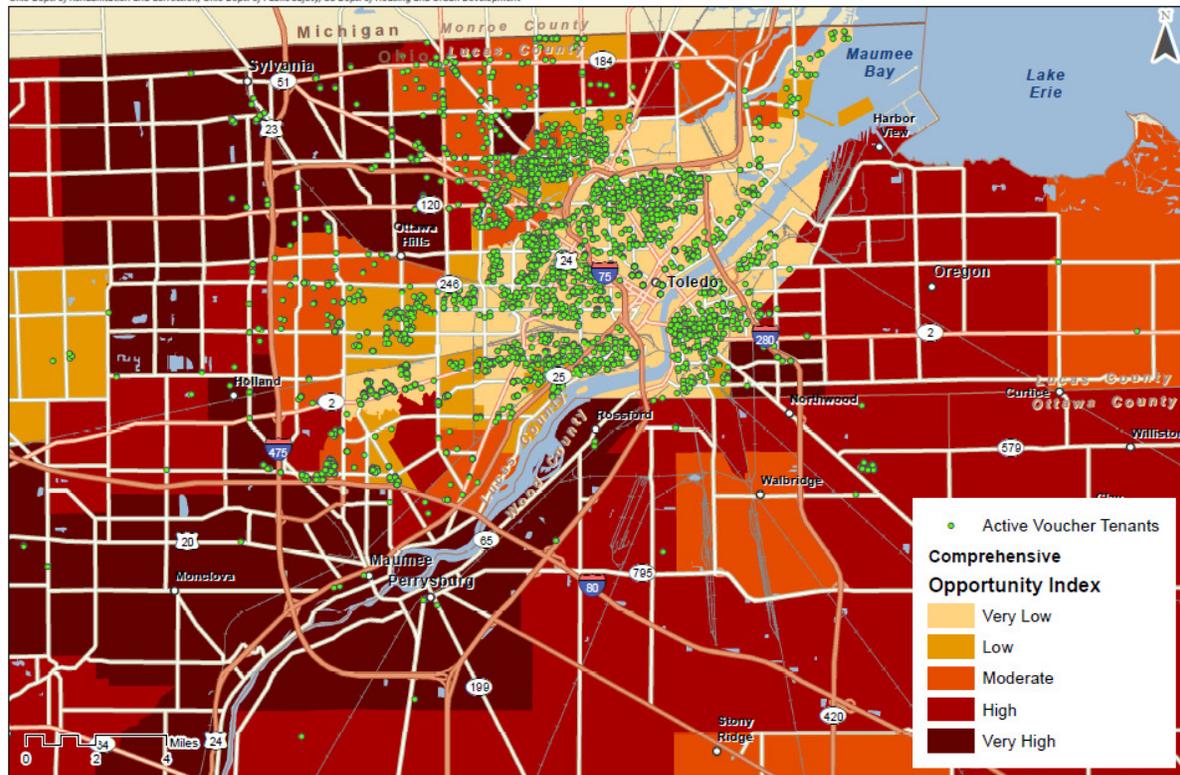
Using the opportunity indicators, the Kirwan Institute has mapped the Northwest Ohio area, including the area where LMHA administers the housing voucher programs, to identify areas of opportunity by census tract. Using data provided by LMHA, the Kirwan Institute has mapped the current HCV usage using an Opportunity Mapping Framework. The map below demonstrates the locations of active housing choice voucher tenants in 2013 overlaid onto the relative opportunity levels of the underlying census tracts. As one can observe, very few tenants are residing in high or very high opportunity areas.

Opportunity and Active Housing Voucher Tenants in Toledo, Ohio

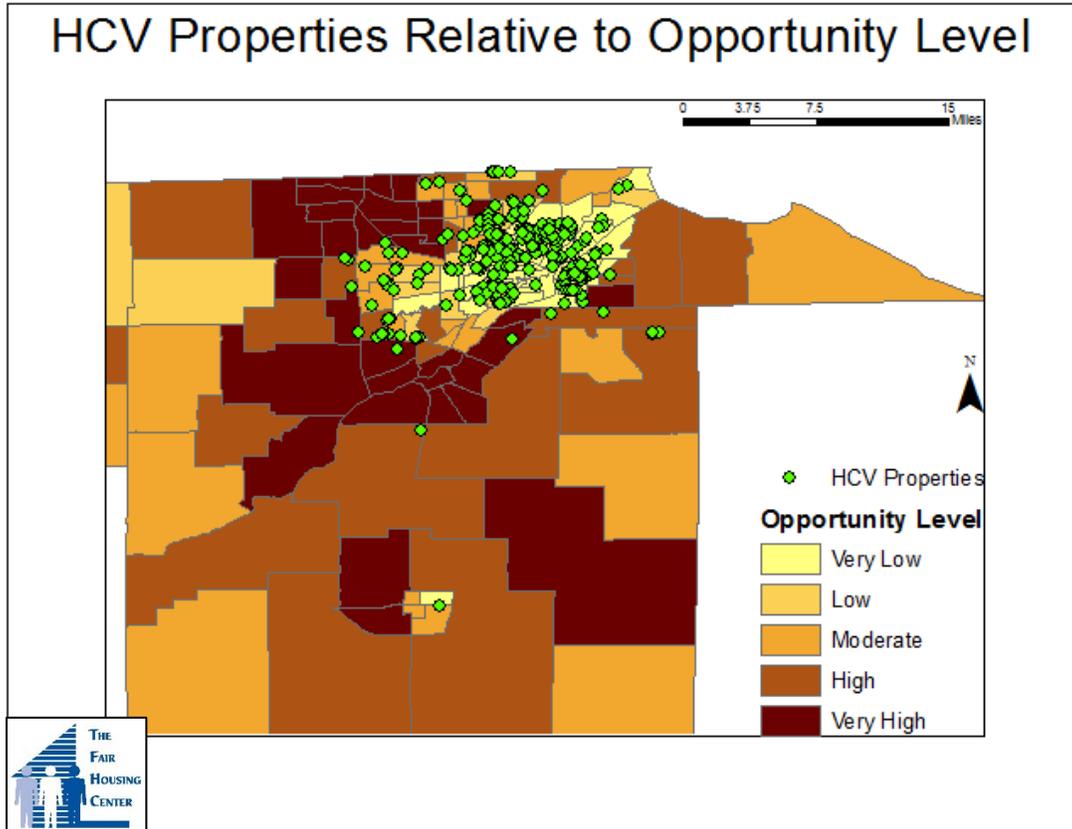


Description: This map displays the spatial pattern of distribution of opportunity in Ohio based on Education, Economic & Mobility, Housing & Neighborhood, Public Health and Public Safety & Criminal Justice indicators. Overlaid on the Opportunity layer are the locations of active housing choice voucher tenants.

Sources: Ohio Dept. of Education, State Library of Ohio, American Community Survey, ESRI Business Analyst, Zip Code Business Patterns, Census 2010, Ohio Dept. of Rehabilitation and Correction, Ohio Dept. of Public Safety, US Dept. of Housing and Urban Development



The mobility program will seek to open the higher-opportunity neighborhoods to voucher recipients. As one of their primary tasks, the partners will determine policies that will open those specific neighborhoods to voucher-holders. As the map below demonstrates, the marketing that LMHA does to potential landlord-participants and the listings of properties that appear available to voucher-holders on the GoSection8 website both need expansion if higher-opportunity options are to be possible for voucher-holders to choose. Currently, the listing of properties advertising as accepting vouchers appears to correlate closely with the location of active voucher-holding tenants. Thus, to say that voucher-holders chose to live in lower-opportunity areas is a vast oversimplification that ignores the lack of information and options voucher-holders possess.



Determine Target Families

LMHA will begin its mobility program focusing on FSS participants. These families will be invited to voluntarily participate in intensive mobility counseling and benefit from assistance specifically aimed at encouraging voucher usage in targeted Opportunity Neighborhoods. Many mobility counseling resources and materials, however, will be available to any voucher-holder interested in making a more informed housing choice.

Identify Barriers to Living in High Opportunity Areas and Develop Policies for Overcoming Barriers

Through conversations with voucher-holders and other investigative efforts, LMHA, ABLE, and the Center hope to identify common barriers that prevent voucher-holders from accessing areas of opportunity. Such efforts may include:

- Examining the rental costs in high opportunity areas,
- Evaluating the possibility of applying for an exemption from FMR standards,
- Evaluating appropriate pre-search counseling activities for potential changes,
- Determining the appropriate housing search assistance,
- Identifying potential post-move support, and
- Developing relationships with landlords in high-opportunity areas.

In order to implement a successful mobility program, LMHA must address identified barriers with the cooperation of community partners. As part of its commitment to fully support voucher-holders and in an effort to increase voucher usage in areas of opportunity, LMHA will implement an intensive counseling program for targeted, voucher-holding families who have chosen to participate in the mobility program. This counseling will begin with an individualized assessment of the families' needs.

In addition, LMHA also recognizes that general barriers exist to low-income families, particularly African American and Latino families, in accessing areas of opportunity. The City of Toledo's Analysis of Impediments to Fair Housing Choice and corresponding Fair Housing Action Plan identify barriers to housing opportunities that are relevant to LMHA's voucher programs. ABLE, LMHA, and the Center have used and will continue to use the AI to identify and address barriers. LMHA hopes to implement program measures to support increased mobility into opportunity areas in a way that specifically addresses impediments to fair housing.

Implementation and Measuring Progress

Upon finalization of the mobility program, LMHA will present the plan to its board as is necessary. LMHA, ABLE, and the Center hope to evaluate the success of the program through measurable outcomes. As an integral part of the mobility program, LMHA will include processes designed to evaluate its success over time.

SOURCE OF INCOME PROTECTION – INCREASING HOUSING MOBILITY AND CHOICE

Introduction

This section provides an overview of source of income discrimination laws and the potential for their implementation by Ohio municipalities. It focuses on source of income discrimination as it specifically affects recipients of Section 8 Housing Choice Vouchers. In this context, source of income discrimination occurs when a potential landlord refuses to rent to a consumer merely because the applicant's source of income is a Section 8 Housing Choice Voucher. This is the most significant source-of-income-related form of discrimination occurring in the region and likely has a disparate impact based upon race, familial status, and disability. In order to address this severe impediment, expand housing choice, and increase housing mobility, the City of Toledo and surrounding jurisdictions should adopt legislation that recognizes source of income as a protected class in addition to those already protected under state and federal laws.

Background - Fair Housing and Source of Income Discrimination

The civil rights movement of the 1960s culminated in the passage of the Fair Housing Act in 1968. Since the enactment of this landmark legislation, Fair Housing advocates have fought to remove barriers that perpetuate segregation and impede fair housing choice. Despite these efforts, many families, especially low-income families, face significant challenges to securing decent, safe, and affordable housing opportunities. Some neighborhoods, usually those of the highest opportunity, are closed off, and low-income minority families often remain concentrated in inner-city areas without the benefit of the community assets that exist in other neighborhoods.

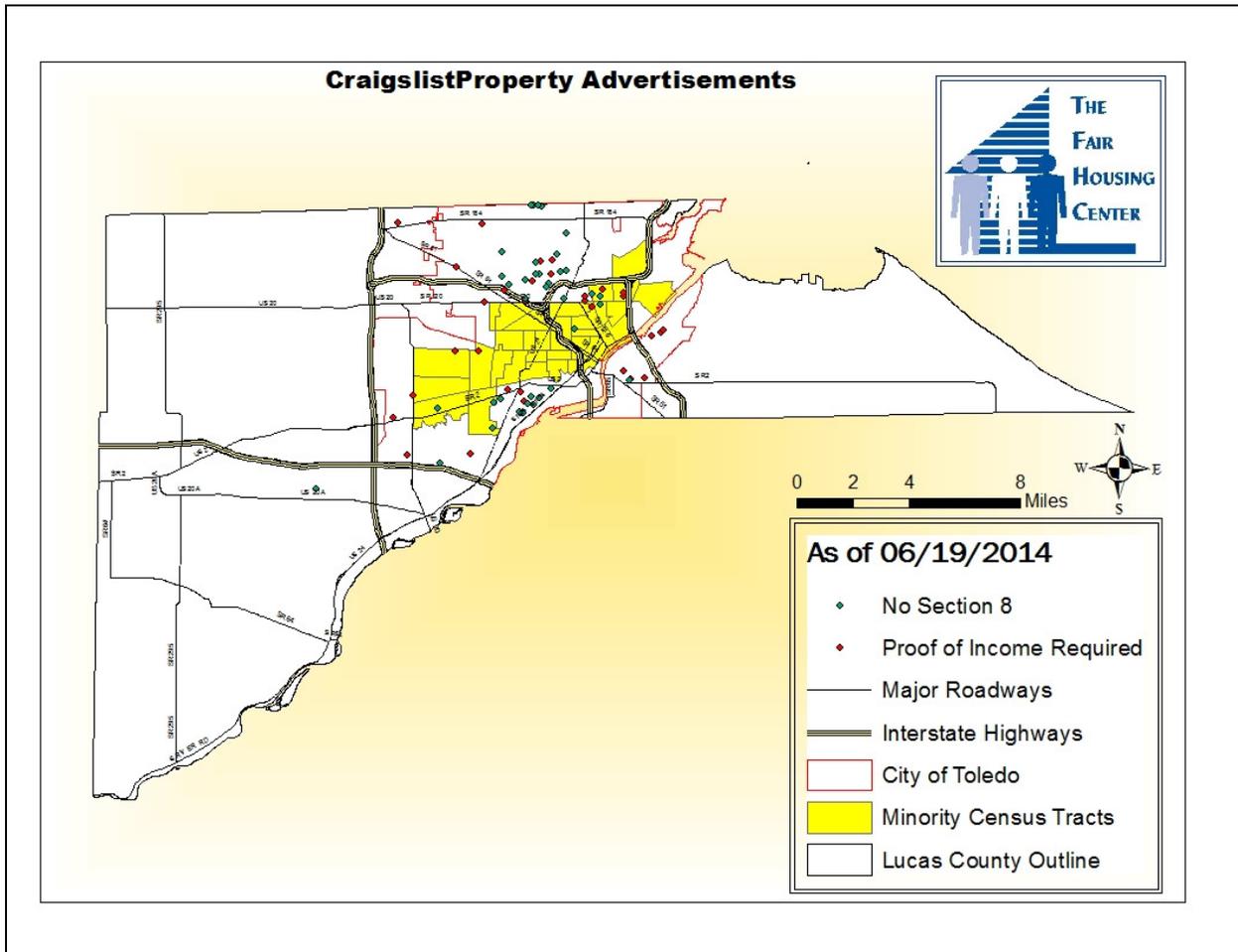
In 1974, HUD began the rollout of the housing choice voucher program. The program intends to give low-income families greater choice in housing by allowing them to participate in the private housing market. Under the program, families receive a voucher for assistance, which they may take to any private landlord. The rental unit must pass a basic housing quality standards review and must be affordable within local fair market rent standards. Once the unit is approved, the landlord receives monthly payments from the local Housing Authority to subsidize rent for the family.

While the housing choice voucher program intends to give low-income families more options in housing, some landlords are unwilling to participate. Many of the historic patterns of housing segregation remain for families with vouchers due to the unwillingness of some landlords to participate in the program.²⁶

The map below, for example, shows a sampling of Craigslist advertisements over several months that explicitly excluded voucher-holders from available housing units. As one can observe, the

²⁶ In addition, fair market rent standards are sometimes too low to allow families to enter neighborhoods with higher rents. The local Public Housing Authority has some discretion to increase or decrease fair market rent standards depending on the neighborhood. The Housing Authority is encouraged to implement standards appropriate to deconcentrate low-income families.

great majority of the ads are for housing located outside predominantly minority census tracts and in higher-opportunity areas (see previous section regarding Housing Mobility). What this map displays in a nut shell is the way that voucher-holders who search beyond the GoSection8 listings receive a strong message -- “You’re not welcome here” -- with “here” being higher-opportunity areas largely populated by white residents. As evidenced in the preceding section on Housing Mobility, the “choices” that voucher-holders have are hardly that.



Map created by Jason Clay, TFHC volunteer and intern with Craigslist as data gathered by intern Chelsea Meister

A growing body of research discusses the powerful impact of concentrated poverty. The research illuminates the close correlation between life success and neighborhood conditions, including the impact on physical health, mental health, education, and employment.

In the decades following the rollout of the housing choice voucher program, local jurisdictions have implemented source of income discrimination laws. PRRAC provides a comprehensive list of local jurisdictions that have implemented source of income discrimination laws. The laws generally prevent potential landlords from denying an applicant merely because of her source of income, which might include Social Security, Veterans Benefits, Section 8 Vouchers, etc.

Local Fair Housing Policies May Provide Additional Protections

Preventing discrimination based on source of income might require municipalities to enact ordinances. Many Ohio cities have already enacted fair housing policies in addition to the state law that prohibits discrimination based on “race, color, religion, sex, military status, familial status, ancestry, disability, or national origin.” O.R.C. §4112.02.

Most of Ohio’s largest cities also enforce their own fair housing rules through municipal ordinances:

- Cleveland, Ohio. *See* Cleveland Municipal Code, Ch. 665
- Columbus, Ohio. *See* Columbus Municipal Code, Ch. 2331
- Toledo, Ohio. *See* Toledo Municipal Code, Ch. 554
- Parma, Ohio. *See* Parma Municipal Code, Ch. 622 and Ch. 1719
- Canton, Ohio. *See* Canton Municipal Code, Ch. 515
- Youngstown, Ohio. *See* Youngstown Municipal Code, Ch. 548
- Lorain, Ohio. *See* Lorain Municipal Code, Ch. 136
- Hamilton, Ohio. *See* Hamilton Municipal Code, Ch. 515
- Springfield, Ohio. *See* Springfield Municipal Code, Ch. 173.
- Cleveland Heights, Ohio. *See* Cleveland Heights Municipal Code, Ch. 749
- Euclid, Ohio. *See* Euclid Municipal Code, Ch. 763

Ohio’s largest cities identify protected classes beyond those specifically listed in the state law. In Toledo, for example, a fair housing ordinance bans discrimination based on “sexual orientation.” Cleveland adds “sexual orientation” as well as “gender identity or expression” and “Vietnam-era disabled veteran status.” Columbus includes “sexual orientation, gender identity or expression,” along with “military status.” Cincinnati provides protected status for “sexual orientation or transgendered status, or ethnic, national or Appalachian regional origin.”

In fact, the city of Wickliffe, Ohio, has already banned source of income discrimination. *See* Wickliffe, Ohio municipal code, Ch. 1103. Wickliffe included source of income as a basis for potential discrimination in its local housing discrimination ordinance. Other Ohio cities could encourage the goals of the voucher system through source of income discrimination laws which would allow voucher recipients to fully participate in the rental marketplace.

Cities that wish to ensure additional protections might encounter opponents who argue that such local policies are “preempted” or in “conflict” with Ohio’s general laws. However, “conflicts between state and local laws are not lightly found.” 21 Ohio Jur. 3d Counties, Etc. § 718. An ordinance is not necessarily to be regarded as in conflict with a general law relating to the same subject merely because it contains requirements or prohibitions in addition to those contained in the general law. *City of Cleveland v. Jones*, 89 Ohio L. Abs. 353, 184 N.E.2d 494 (Ct. App. 8th Dist. Cuyahoga County 1962). The same is true even if certain specific acts are declared unlawful by the ordinance which are not referred to in the general law, or because specific acts that are offenses under the general law are not prohibited by the ordinance. *See City of Akron v. Williams*, 113 Ohio App. 293, 17 Ohio Op. 2d 317, 177 N.E.2d 802 (9th Dist. Summit County

1960); *State v. Waite*, 27 Ohio App. 2d 187, 56 Ohio Op. 2d 350, 273 N.E.2d 343 (9th Dist. Medina County 1971).

At least one Court found that Ohio law permits a city to provide additional protections from discrimination based on local ordinances:

“The Columbus City Code prohibits employment discrimination on the basis of sexual orientation, while the State's discrimination statute, Ohio Revised Code § 4112.023 does not prohibit such discrimination. The City's Code adopts greater protections than that of the State, but does not ‘permit or license[] that which the statute forbids and prohibits.’ ...[T]he City is permitted to adopt greater protections than that of the State. The City Code, therefore is of ‘equally serious import as the violation of a statute.’”

Das v. Ohio State Univ., 115 F. Supp. 2d 885, 892 (S.D. Ohio 2000) aff'd, 57 F. App'x 675 (6th Cir. 2003) (citations omitted).

In Receiving Federal Funding, Ohio Municipalities Certify that They Will Affirmatively Further the Goals of the Fair Housing Act.

Ohio municipalities can improve local fair housing ordinances with protections from source of income discrimination. Since many municipalities already have housing discrimination ordinances in place, Ohio cities may add source of income as an additional form of prohibited discrimination. In fact, Ohio cities might be strongly encouraged, or required, to do so by virtue of their acceptance of federal funding.

The requirement to affirmatively further fair housing

Recipients of certain kinds of federal funding must certify that they will affirmatively further fair housing (AFFH). Cities that receive Community Development Block Grant (CDBG) funds, for example, must make this certification. 42 U.S.C. § 5304(b)(2). Most large and mid-size Ohio municipalities receive CDBG grants and, therefore, make these certifications.

In July, 2013, HUD proposed new, more progressive regulations to further explain compliance with the requirement to affirmatively further. *See* *Affirmatively Furthering Fair Housing*, 78 FR 43710-01. As of the date of this AI, the regulations have not gone into effect. While cities await the finalization of the new, more detailed rules, they still remain obligated to AFFH.

The AFFH obligation means “to fulfill, as much as possible, the goal of open integrated residential housing patterns and to prevent the increase of segregation, in ghettos, of racial groups whose lack of opportunities the Act was designed to combat.” *See Otero v. New York City Housing Authority*, 484 F.2d 1122, 1134 (2d Cir. 1973) (addressing the affirmative duty placed on HUD by § 3608(d)(5)).

Furthermore, merely refraining from discrimination is not enough.

“...[E]very court that has considered the question has held or stated that Title VIII imposes upon HUD an obligation to do more than simply refrain from discriminating (and from purposely aiding discrimination by others)...This

broader goal [of truly open housing] ... reflects the desire to have HUD use its grant programs to assist in ending discrimination and segregation, to the point where the supply of genuinely open housing increases.”

NAACP v. Sec’y of Housing and Urban Development, 817 F.2d 149, 155 (1st Cir. 1987).

The certification of Ohio municipalities

AFFH requirements are imposed upon every HUD program grantee that certifies their compliance with the AFFH mandate. As it applies to CDBG funding, HUD requires funding recipients to:

“submit a certification that it will affirmatively further fair housing, which means that it will (1) conduct an analysis to identify impediments to fair housing choice within the jurisdiction; (2) take appropriate actions to overcome the effects of any impediments identified through that analysis; and (3) maintain records reflecting the analysis and actions in this regard.”

24 C.F.R. § 570.601(a)(2); 24 C.F.R. § 91.225(a).

Ohio cities that receive CDBG funding must publish an Analysis of Impediments to Fair Housing Choice and take action on the impediments identified therein. *Id.* Most of Ohio’s large- and mid-sized cities receive CDBG entitlements and therefore must comply with this requirement. CDBG entitlement cities in Ohio include:

- Akron
- Alliance
- Barberton
- Bowling Green
- Canton
- Cincinnati
- Cleveland
- Cleveland Heights
- Columbus
- Cuyahoga Falls
- Dayton
- East Cleveland
- Elyria
- Euclid
- Fairborn
- Hamilton
- Lakewood
- Lima
- Lancaster
- Kent
- Kettering
- Lorain
- Mansfield
- Marietta
- Massillon
- Mentor
- Middletown
- Newark
- Parma
- Sandusky
- Springfield
- Steubenville
- Toledo
- Warren
- Youngstown

A lack of neighborhood choice for housing choice voucher recipients is likely an impediment to fair housing in Toledo.

Depending on local circumstances, recipients of housing choice vouchers throughout Ohio may have difficulty accessing certain neighborhoods, or could be clustered in certain city blocks. If

this occurs, these problems will constitute an impediment to fair housing and should be identified in any local analysis of impediments. Once this issue is identified, the city must take action to address it. Depending on the circumstances, enactment of a source of income discrimination law might be the best remedy for the impediment.

As an example, an Ohio city's analysis indicates that housing choice voucher recipients are either cut-off from certain neighborhoods or clustered in other areas. If many of the recipients of housing choice vouchers are African-American in the example city, the city should identify this issue as a local impediment to fair housing choice. The city might also find that some landlords refuse to rent to voucher recipients thus reducing neighborhood choice. The issue should be identified and detailed in the analysis of impediments submitted to HUD. In this example, the City should strongly consider enacting a source of income discrimination ordinance as part of its obligation to affirmatively further fair housing. As the preceding maps and discussion of the barriers housing voucher-holders face show, this is an impediment in Toledo.

Conclusion

While the housing choice voucher program is designed to give recipients greater freedom of choice, in many communities, recipients can be clustered in certain neighborhoods and cut off from opportunity. This outcome violates both the spirit of the voucher program as well as the substance of the Fair Housing Act. Furthermore, Ohio cities that receive CDBG funds are obligated to identify and analyze this issue if it exists in their area. For many Ohio cities, part of the solution may be a source of income discrimination ordinance. Many Ohio cities already adopt local fair housing rules, and Toledo can and should add source of income as an additional form of discrimination from which those residing or seeking to reside in Toledo are protected.

REENTRY CHALLENGES FOR EX-OFFENDERS

Ex-offenders seeking to positively rebuild their lives and reintegrate into society are particularly vulnerable to discrimination, a lack of housing choice, and ultimately, recidivism. The magnitude of this problem becomes clearer when considered in light of a litany of disconcerting facts. According to the U.S. Bureau of Justice Statistics, more than 2.2 million people are incarcerated in America.²⁷ Comparatively, in 1980, there were only 500,000 people incarcerated.²⁸ The United States presently has the highest rate of incarceration in the world; in fact, a fourth of all persons incarcerated in the world are in the U.S.²⁹

While the connection between these trends and fair housing, at first glance, seems non-existent or tenuous at best, it becomes clear that though these facts taken alone are ultimately tangential to the question of fair housing, they have quite a profound practical impact.

The reason is straightforward: approximately 97% of offenders will eventually be released.³⁰ But sadly, according to a study by the U.S. Bureau of Justice Statistics, within three years of release, 67.8% of ex-offenders are rearrested, and within five years, 76.6% are rearrested.³¹ It is important to note that more than a third are rearrested in the first six months after leaving prison, and more than half are arrested by the end of the first year. Thus, the rate of recidivism is highest during the first year and declines every year after that.³²

A lack of housing opportunities and employment discrimination together undoubtedly contribute to high rates of recidivism. “In a 2010 survey by the Society for Human Resources Management, almost 90 percent of the companies surveyed, most of them large employers, said they conducted criminal background checks on some or all job candidates.”³³ Increasingly, landlords are advised to do the same to ensure safe communities and to protect themselves from liability.³⁴

While criminal background checks are used in the housing and job markets to ensure safety and assess character, the present manner in which such resources are utilized is problematic. Blanket exclusions of ex-offenders fail to consider critical information such as the nature of a prior offense, the age of the offense, and in the employment context, its relationship to the job sought. With regard to housing, perhaps the most paramount challenge is intensive screening by private landlords. Another is exclusion of those with criminal records from public housing, which may keep an individual from accessing housing or separate them from any family living in subsidized housing. As a consequence, many ex-offenders are left homeless and typically lack the ability to obtain housing assistance through the channels open to other low-income people solely because of their criminal history.

²⁷ <http://www.relevantmagazine.com/current/americas-new-falling-prison-population-rate-huge-deal>

²⁸ <http://www.naacp.org/pages/criminal-justice-fact-sheet>

²⁹ <http://billmoyers.com/2013/12/16/land-of-the-free-us-has-5-of-the-worlds-population-and-25-of-its-prisoners/>

³⁰ <http://www.justice.gov/usao/als/rei.html>

³¹ <http://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx>

³² <http://www.thedailybeast.com/articles/2014/04/22/america-s-recidivism-nightmare.html>

³³ <http://www.nytimes.com/2011/04/29/us/29records.html>

³⁴ <http://www.criminalhistorychecks.com/tenant-screening-resident-applicant-screening-for-landlords-apartment-managers/>

Beyond this, there are a number of other seemingly small hurdles that can make integrating back into society an almost insurmountable challenge; these challenges include, but are not limited to, needing reinstatement of a driver's license, past due child support, and outstanding warrants.

The conditions and barriers faced by ex-offenders are tantamount to social exclusion. In particular, housing discrimination removes the security and needed stability essential to holding down a steady job and having the opportunity to flourish; moreover, a lack of employment opportunities entirely undercuts the possibility of having access to decent, affordable housing. The two, housing and unemployment, go hand-in-hand.

It is perhaps ironic that exclusionary policies that purport to protect the public by discriminating against an entire class of people, many of whom pose little to no risk, actually compromises public safety by leading to high rates of recidivism. Ensuring access to housing and employment are certain to reduce recidivism rates and increase public safety.

In fact, statistics compiled by the Administrative Office of the U.S. Courts in Washington D.C. found that of 262,000 federal prisoners released between 2002-2006, 50% of those who did not secure employment within two-to-five years committed a new crime or violated the terms of their release. In contrast, an astonishing 93% of ex-offenders that secured employment were able to successfully reintegrate into society without relapsing into criminal behavior.³⁵

Another facet of this troubling trend that squarely links it with fair housing policy concerns is the sheer number of people with criminal records of any kind and the disparate impact that these trends have on minorities. According to the National Employment Law Project about 65 million Americans have a criminal record, either for an arrest or a conviction. Advances in technology have made it easy to discover such records and the recent upsurge in background checks has created a number of challenges.

Though violent and property-related crimes have decreased by nearly 50% in the last twenty years, the rate of incarceration has increased largely due to mandatory sentencing guidelines.³⁶ Unfortunately, more than 60% of people incarcerated are racial and ethnic minorities. While it has long been alleged that sentencing policies are notoriously discriminatory, this particular reality especially highlights why ex-offender reentry is a fair housing issue.

The purpose of the Fair Housing Act was and is to remove barriers to access to housing of choice for all persons and to facilitate socially integrated living patterns. Given the severe impact that failed reentry policies have on communities of color and the disparate impact that landlord and employer screening has on these communities, which, consequently limits housing opportunities, undermines upward mobility, and poorly shapes social living patterns, it is quite clear that this problem is within the scope of fair housing advocacy.

In Ohio, the recidivism rate recently declined to 28.7% from 31.2%, still well below the national

³⁵ <http://www.justice.gov/usao/als/rei.html>

³⁶ <http://www.relevantmagazine.com/current/americas-new-falling-prison-population-rate-huge-deal>

average of approximately 43%.³⁷ The Ohio Department of Rehabilitation and Corrections has implemented a number of strategies, including “a reliance on evidenced-based programming, the Ohio Risk Assessment System, and refined reception processes that better identify offender needs. Other contributing factors include a more structured system of sanctions for offenders under supervision, staff training in offender case management and expanded use of a variety of evidence-based supervision practices, greater use of transitional control and community diversion alternatives to incarceration.”

The state also has established a certificate of achievement and employability to help ex-offenders in the search for work after release.³⁸ Such a program is commendable and helpful insofar as there is assistance with placement, monitoring success rates of certificate-holders, and incentives for employers to give men and women seeking a fresh start a chance. Without such added help by the state or local municipalities, these certificates may not be able to have a real impact.

In Toledo, the Reentry Coalition of Northwest Ohio has provided resources and guidance for ex-offenders and their families. “One of their most successful initiatives is addressing outstanding warrants.”³⁹ This has not only assisted ex-offenders in integrating back into the community, but it has also led to notable cost savings. Additionally, because of the leading efforts of the Coalition, “Second Chance Tuesdays,” an expungement clinic hosted once a month by the Toledo Bar Association Pro Bono Legal Services Program, assists ex-offenders with the expungement process, provided that certain criteria are met. Where successful, ex-offenders’ records are formally sealed and do not turn up in any background checks, removing a host of barriers to reintegration.

Due to similar efforts by the Coalition, once a month, an event called “First Wednesdays,” gives ex-offenders the opportunity to meet with representatives from multiple agencies, businesses, and organizations to provide a number of services, such as applying for new licenses and help searching for housing or employment. These one-on-one consultations provide an invaluable opportunity for those who would otherwise have to navigate the reintegration process alone.

Additionally, in October 2014, the Criminal Justice Coordinating Council (CJCC) in Toledo learned that it was the recipient of a \$748,303 Second Chance Act grant from the U.S. Department of Justice. This goal of this grant is to help reduce the number of children and young people who return to prison after committing further crimes post-release. The grant assists the Lucas County Youth Treatment Center in funding programs designed to provide family support for juveniles sentenced on delinquency charges who are held in the facility.

The Second Chance Act of 2008 authorizes federal grants to government agencies and nonprofit organizations to provide strategies and services designed to reduce recidivism by improving opportunities for returning citizens. The grant is the second that Lucas County has received from the federal program in the last year for the CJCC Reentry program. Last year, the council was

³⁷ <http://drc.ohio.gov/web/reports/annual/annual%20Report%202013.pdf>

³⁸ <http://codes.ohio.gov/orc/2961.22>

³⁹ <http://www.reentrycoalition.ohio.gov/pages/coalitions/lucas/Lucas%20County%20Warrant%20Process%20Cost%20Savings.pdf>

given a \$416,000 for the Second Chance Act Adult Reentry Demonstration grant program. As of 2014, Lucas County has used about \$40,000 to leverage more than \$1.1 million in federal grant money for the re-entry program.⁴⁰

The work of the jurisdictions, the CJCC, and the Coalition does not stop there, however. The Reentry Coalition, Advocates for Basic Legal Equality (ABLE), and the Center have been working on reentry matters with the Lucas County Metropolitan Housing Authority (LMHA) in an attempt to urge LMHA to adopt a number of policy reforms to further the important goals of ex-prisoner reentry, lowering recidivism rates, and ensuring fair housing.

A chronology of the work of and correspondence between these groups as well as a description of the outstanding recommendations of the Reentry Coalition, ABLE, and the Center follows.

❖ **March 25, 2014: Letter and Memorandum from partners to LMHA re: LMHA's admissions to LMHA's public housing program and ex-offenders**

The Reentry Coalition of Northwest Ohio (the Coalition) sent this letter to LMHA's Executive Director Linnie Willis. The letter discussed how the Coalition had met with LMHA staff and examined the new Admissions and Continued Occupancy Policy (ACOP). Upon review of the new ACOP, the Coalition, ABLE, and the Toledo Fair Housing Center (the Center) requested a number of changes to help improve access to public and assisted housing for ex-offenders.

Included with the letter was a memorandum detailing the request for policy changes. The letter summarized the requests and acknowledged the balance that LMHA would have to strike between its need to appropriately screen applicants and the desire to avoid unnecessary denials of ex-offenders. The letter also noted that some of the suggested improvements did not require an update to LMHA's ACOP and could have been implemented immediately. Other reforms, however, might have required changes to the language of the ACOP and, therefore, board approval. The letter indicated that the Coalition, ABLE and the Center would have been willing to provide specific, redlined changes to the language of the ACOP if LMHA was in agreement with any of the requested reforms. The letter concluded by stating that the partners would be happy to meet with LMHA to discuss their suggestions further.

Below is the memorandum that was included with the March 25, 2014 Letter to LMHA with the suggested changes to the ACOP.

⁴⁰ Source: <http://business.toledoblade.com/local/2014/10/17/Lucas-County-gets-grant-to-fight-youth-recidivism.html#v130blTT2fp2CheS.99>

To: Lucas Metropolitan Housing Authority

From: Reentry Coalition of Northwest Ohio, Toledo Fair Housing Center, Advocates for Basic Legal Equality, Legal Aid of Western Ohio

Re: Requested Policy Changes for ex-offenders and persons arrested or charged with crimes

The below policy changes would improve access to housing opportunities for ex-offenders and those arrested or charged with crimes, while considering LMHA's desire to appropriately screen applicants.

Policy Change 1: LMHA should more specifically identify the crimes that could form the basis of a denial for a ten year period.

LMHA's policy presently allows for denial if the applicant engaged in certain crimes within the last ten years. These are:

- Aggravated Murder
- Murder
- Manslaughter
- Arson
- Sexual Offenses/Rape

However, these designations are too vague and overbroad considering the complexity of these categories of charges. "Sexual offenses," for example, might include relatively minor criminal violations. Furthermore, "sexual offenses" is included under both the ten year and five year denial period sections creating further confusion. As another example, there are a number of different "manslaughter" charges with differing penalties and designating simply "manslaughter" could lead to unnecessary denials from the program for the ten year period.

LMHA's policy of denial based on broad categories of charges appears to directly conflict with the concerns identified in the AI. The AI specifically requires LMHA to consider "the development of distinct criteria for different offenses." LMHA should adopt policies that better define which charges will be the basis for a denial during the ten year period.

Policy Change 2: LMHA must comply with 24 C.F.R. 960.204(c)

Currently, LMHA does not comply with HUD's requirements at 24 C.F.R. 960.204(c) which reads:

"(c) Use of criminal records. Before a PHA denies admission to the PHAs public housing program on the basis of a criminal record, the PHA must notify the household of the proposed action to be based on the information and must provide the subject of the record and the applicant with a copy of the criminal record and an opportunity to

dispute the accuracy and relevance of that record. (See part 5, subpart J of this title for provisions concerning access to criminal records.)” (emphasis added.)

LMHA does not comply with this requirement because it presently only provides a written notice of denial which typically indicates the basis as “unfavorable criminal history.” LMHA does not provide a copy of the record, nor does it allow the applicant an opportunity to dispute the accuracy and relevance of the record prior to the denial letter.

To comply with 960.204, LMHA must change its denial process. Before it sends a letter indicating denial, it must provide a copy of the criminal record. Next, it must provide an opportunity to dispute the accuracy and relevance of the record. It cannot issue a denial letter until this occurs. After these steps, the LMHA might issue a decision to deny which the applicant could contest in an informal hearing under 24 C.F.R. 960.208.

Policy Change 3: A notice of denial should only be issued after the consideration of circumstances

LMHA’s current policy is to deny an applicant based on unfavorable criminal history and then allow the applicant to request a hearing to explain other favorable circumstances that would merit admission. This process is backwards. LMHA should first allow the applicant an opportunity to explain favorable circumstances that could warrant admission despite unfavorable criminal history and then determine whether to accept or deny the applicant. For ex-offenders, preparing for an administrative hearing without counsel can be a daunting task. Many applicants might not know that they can present information about favorable circumstances at the hearing. Instead, LMHA should give the applicant an opportunity to provide that information prior to sending notice of a denial.

Policy Change 4: LMHA should never issue denials for mere arrests or charges

An arrest or a charge for a crime is not evidence that the person arrested or charged committed any crime. LMHA should never deny housing opportunities merely because someone was arrested or charged with a crime. The issuance of a denial determination which can only be overturned by an administrative hearing at LMHA is inappropriate in such circumstances. LMHA’s current plan specifically indicates that it will consider evidence of criminal activity including arrests. Effectively, LMHA allows for denial merely because someone was arrested. LMHA’s policy should be updated to ensure that it does not consider charges or arrests as evidence of criminal conduct. In addition LMHA has a policy of denial of admission to an applicant family if a member has “outstanding criminal warrants.” Again, this is overly board and vague as it could include minor, technical issues.

Policy Change 5: LMHA should amend its policies regarding sex offenders who are not subject to lifetime registration.

Presently, LMHA’s ACOP states that it will deny “any household member that is subject to or has been subject to any registration requirement under a state or federal sex offender registration program.” See ACOP, p. 3-21. This categorical denial is much more onerous than HUD’s requirement. HUD regulations state the only absolute prohibition for admission of a “sex offender” is an individual “subject to a lifetime registration requirement under a State sex offender registration program.” See 24 CFR Sec. 960.204 (a)(4). However, LMHA’s revised ACOP would prohibit admission of anyone who is or has ever been listed on a state or federal sex offender registration program, regardless of whether it required lifetime registration. This basis for denial should be narrowed to comport with HUD’s guidelines.

❖ **May 29, 2014: Lucas County Metropolitan Housing Authority (LMHA) Re-Entry Partnership for Housing Conference**

During this conference, LMHA discussed their efforts to provide housing to the Re-Entry Population. Included below is the Agenda for the LMHA Re-Entry Partnership for Housing Conference.

AGENDA

Lucas Metropolitan Housing Authority (LMHA)

Re-Entry Partnership for Housing

Location: Radisson Hotel at the University of Toledo, 3100 Glendale Avenue

Date: Thursday, May 29, 2014

Time: 9:30 am to Noon

I.	Welcome	Linnie B. Willis <i>Executive Director</i>
II.	Introductions	
	<ul style="list-style-type: none"> a. Reentry Coalition of Northwest Ohio - b. Lucas County Family & Children First Council c. Advocates for Basic Legal Equality, Inc., (ABLE) - d. Toledo Fair Housing Center - e. Department of Neighborhoods - f. Pathways (formerly known as EOPA) - g. Ohio US Courts h. Veterans Administration Ann Arbor Health Care System i. Toledo Lucas County Homelessness Board j. Lucas County Child Support Enforcement Agency k. Lucas Metropolitan Housing Authority 	
	Time 9:45 am	
III.	LMHA's Efforts in providing housing to the Re-Entry Population	Ivory N. Mathews <i>Deputy Executive Director</i>
	<ul style="list-style-type: none"> a. Representation on Re-Entry Coalition(s) <ul style="list-style-type: none"> i. Re-Entry 2nd Chance Act Grant Initiative (<i>agency representative Cheryl Wilson</i>) ii. Toledo Community Initiative to Reduce Violence (<i>agency representative Cheryl Wilson</i>) iii. 1st Wednesday's Re-Entry Program (<i>agency representatives Cheryl Wilson, Daniel Sherrod, Phillip Ransey, Carrie Morgan</i>) b. Public Housing Program (Admissions for Continued Occupancy Plan - ACOP) <ul style="list-style-type: none"> i. ACOP Comment Period/Revisions and Special Meetings ii. Eligibility iii. Application, Wait List and Tenant Selection iv. Supportive Services for Special Preference Populations 	<ul style="list-style-type: none"> Ratico Lake, <i>Program Analyst</i> Ratico Lake, <i>Program Analyst</i> Cheryl Wilson, <i>Occupancy & Leasing Manager</i> Daniel Sherrod, <i>Director Of Asset Management</i>

LMHA | Re-Entry Roundtable Discussion 1



AGENDA

Lucas Metropolitan Housing Authority (LMHA)

Re-Entry Partnership for Housing

Location: Radisson Hotel at the University of Toledo, 3100 Glendale Avenue

Date: Thursday, May 29, 2014

Time: 9:30 am to Noon

-
- c. **Housing Choice Voucher Program – aka Section 8** (Administrative Plan)
 - i. Eligibility Robin Burton, *Program Analyst*
 - ii. Application, Wait List and Tenant Selection Vanessa Street, *HCV Program Director*
 - iii. Special Housing Programs for Re-Entry Population Vanessa Street, *HVC Program Director*
 - ✦ VASH Tenant Based
 - ✦ VASH Project Based
 - ✦ Project Base Voucher Program

Time 11:00 am

IV. **Roundtable Discussion** (Each Member should be prepared to discuss what their individual entities provide to support the re-entry population, in particular those efforts that would assist them with obtaining and maintaining housing). *– EAP Process*

- a. How Does Your Agency Define Re-Entry?
- b. **Update on Current Community Efforts** – What types of Re-Entry Partnerships & Initiatives is your agency currently involved in?
- c. **Initial Support** – What does your agency do to promote the successful reintegration of individuals with criminal histories?
- d. **Ongoing Support** – What supportive services does your agency provide to reduce the rate of recidivism?
- e. Sources of Funds for Units of Supportive Housing for the Re-Entry Population

- V. **Path Forward**
 - a. Future Steps
 - b. Potential Re-Entry Initiatives

Time 12:00 Noon

VI. **Lunch**

VII. **Important Dates to Remember**

- a. LMHA’s Fatherhood Initiative – Frederick Douglas Community Center, 9:00 am on **June 14, 2014**
- b. LMHA’s Annual Plan Comment Period Begins – **August 2014.**

❖ **July 25, 2014: LMHA’s Response to Reentry Coalition’s Letter March 2014**

LMHA staff attorney Laura A. Garrett authored this letter in response to the partners’ March letter. LMHA’s July 25th responses to the suggested policy changes follows:

Policy Change 1: LMHA should more specifically identify the crimes that could form the basis of denial for a ten year period.

LMHA response to Policy Change 1: LMHA will not be providing a list of specific crimes, but has identified all violent criminal activity including criminal sexual conduct under the 10 year denial period.

Policy Change 2: LMHA must comply with 24 CFR 960.204(c).

LMHA response to Policy Change 2: LMHA noted that changes needed to be made to the Unfavorable Criminal History letter so as not to give the impression that the applicant is being denied prior to giving the applicant an opportunity to dispute the accuracy and relevance of the criminal record.

Policy Change 3: A notice of denial should only be issued after the consideration of circumstances.

LMHA response to Policy Change 3: This issue was addressed in response to Policy Change 2.

Policy Change 4: LMHA should never issue denials for mere arrests or charges.

LMHA response to Policy Change 4: LMHA will continue to consider all evidence of criminal activity including arrests and outstanding criminal warrants when determining an applicant's eligibility for housing. LMHA, however, has placed several safeguards in place to ensure that an applicant is not denied merely based on these issues.

- Per Policy Change 2, LMHA gives all applicants who have an unfavorable criminal history an opportunity to dispute the accuracy and relevance of the criminal record prior to determining eligibility or denial.
- If an applicant is denied after being given this opportunity, the applicant still has the right to request an informal hearing.
- Per the ACOP Chapter 3, page 3-22, "A conviction for such activity will be given more weight than an arrest or an eviction."
- Per the ACOP Chapter 3, page 3-23, "In making its decision to deny admission, the LMHA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, the LMHA may, on a case-by-case basis, decide not to deny admission."

Policy Change 5: LMHA should amend its policies regarding sex offenders who are not subject to lifetime registration.

LMHA response to Policy Change 5: Although HUD mandates only individuals "subject to a lifetime registration requirement under a State sex offender registration program" be denied housing, HUD gives a PHA the sole discretion to adopt more rigorous rules.

- Per chapter 3, page 3-19 of the ACOP, "Where the statute requires that the LMHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the LMHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)]."
- After further review, LMHA has adopted the following language in Chapter 3, page 3-21 of its ACOP: "The LMHA will deny admission if any household member is subject to any registration requirement under a state or federal sex offender registration program."

❖ **August 15, 2014: Partners' letter to LMHA and request for a meeting**

On August 15, 2014 the Center, the Coalition, and ABLE sent a letter to LMHA in response to LMHA's letter dated July 25, 2014. The letter from the partners stated that LMHA's responses failed to address the critical issues identified in the March letter. The August 15 letter requested

that LMHA contact the partners by August 25th, and a follow up email sent by the General Counsel of the Center requested that LMHA meet with the partners by the end of August. The purpose for the meeting was to discuss the requested policy improvements. The letter further requested that LMHA give the partners an opportunity to make a formal presentation to LMHA's board of directors at a board or committee of the whole meeting if LMHA staff failed to schedule such a meeting within the time frame that the partners set forth. The letter outlined the specific reasons for the partners' disagreement with the responses by LMHA in the July 25th, 2014 letter and highlighted LMHA's duty to affirmatively further fair housing in compliance with its certification to the federal government that it is and will do so. The partners' more detailed responses follow:

- *Policy Change 1: LMHA should more specifically identify the crimes that could form the basis of a denial for a ten year period.*

LMHA's proposed changes would make this issue worse. LMHA's proposal would actually increase the problems with vague or inconsistent reasons for a denial for a ten- or five-year period. Instead of more specificity, the changes would create broad categories of crimes without any specific definition.

- *Policy Change 2: LMHA must comply with 24 CFR 960.204(c).*

While the partners appreciate most of the changes, the language used in the notices is at points incorrect and problematic. As an example, one of LMHA's proposed notices indicates that, based on HUD regulations, LMHA will not accept additional evidence after a hearing is completed. The partners are not aware of any such requirement by HUD. Often, it may be appropriate for applicants to have the opportunity to submit additional documentation shortly after a hearing.

- *Policy Change 3: A notice of denial should only be issued after the consideration of circumstances.*

This has not been addressed and remains an important issue for many applicants.

- *Policy Change 4: LMHA should never issue denials for mere arrests or charges.*

This issue has not been addressed. The partners continue to see this as a critical policy concern. Arrests evidence nothing other than arrests. Screening on this basis disparately impacts certain protected classes of applicants.

- *Policy Change 5: LMHA should amend its policies regarding sex offenders who are not subject to lifetime registration.*

LMHA should consider only "lifetime" registration status. HUD's regulations only provide for denial of those subject to lifetime registration status on a state's sex offender registry.

- As in the partners' original letter, they raised the issue of LMHA's obligation to affirmatively further the goals of the Fair Housing Act. The previous City of Toledo Analysis of Impediments specifically identified issues affecting ex-offenders and prisoners reentering society as an impediment to Fair Housing and required LMHA to take action in cooperation with the local community to address these issues. Moreover, LMHA's five-year plan specifically states that it "shall...[c]ontinue to remove impediments as identified by the Fair

Housing Center of Toledo's, ("FHC"), Analysis of Impediments to Fair Housing Choice." See LMHA 5 Year and Annual Plans 2010-2014, Sec. 5-2, Pg. 3. Each year, LMHA's annual plan also certifies compliance with its obligation to affirmatively further fair housing in cooperation with the local community based on the Analysis of Impediments. Specifically, LMHA's annual plan certification reads: "As addressed in the five year plan, LMHA has examined its programs and proposed programs to identify any impediments to fair housing choices, has addressed those impediments in a reasonable fashion, and is working with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing." See e.g. LMHA 2014 Amended Annual Plan.

Based on LMHA's response to the partners' March letter, they respectfully suggested that these certifications were inappropriate. Although a few of the proposed changes made LMHA's policies more consistent with 24 C.F.R. 960.204, LMHA simultaneously proposed policy changes that would actually make matters worse for ex-offenders and those reentering society from prison. This population is particularly vulnerable to discrimination, a lack of housing opportunities, and ultimately recidivism.

The partners concluded with the meeting request and by stating that they continued to believe that their proposals were reasonable and consistent with LMHA's goal as a public housing provider as well as HUD's guidance.

❖ **October 6, 2014: Response to August 15th letter by LMHA and Meeting of LMHA, the Re-Entry Coalition of North West Ohio, ABLE, and Toledo Fair Housing Center**

Due to LMHA staffing changes and LMHA staff being out-of-the-office, LMHA was unable to schedule a meeting prior to October 6, 2014. The partners and LMHA met on that date, and shortly before the meeting, LMHA sent out the following response to the August 15th letter accompanied by attachments with its proposed revisions to the notices and Chapter 3 of the ACOP:

- Policy Change 1: *LMHA should more specifically identify the crimes that could form the basis of a denial for a ten year period.*
 - LMHA made changes to chapter 3 of the ACOP to address this issue.
 - LMHA attached a copy of chapter 3, specifically noting pages 3-20 thru 3-23.
 - LMHA asserted that the changes were consistent with other low-income subsidized housing policies.
 - LMHA will not be providing a list of specific crimes, but has identified all violent criminal activity including criminal sexual conduct under the 10-year denial period.
 - LMHA asserted that the changes made will not create broad categories of crimes without any specific definition under the 10-year denial period, as LMHA has specifically used HUD's definition of violent criminal activity to identify which crimes fall under the 10 year denial period.
- Policy Change 2: *LMHA must comply with 24 CFR 960.204 (c).*
 - LMHA currently complies with 24 CFR 960.204(C).

- LMHA did, however, note that changes needed to be made to the Unfavorable Criminal History letter, so as not to give the impression that the applicant is being denied prior to giving the applicant an opportunity to dispute the accuracy and relevance of the criminal record.
 - LMHA has made the suggested changes to the Hearing Request letter.
 - A copy of the notification letter for Unfavorable Criminal History, Denial letter for criminal history, and Hearing Request letter for criminal history were attached for the partners' review.
- Policy Change 3: *A notice of denial should only be issued after the consideration of circumstances.*
- LMHA asserted that this issue was addressed in LMHA's response to Policy Change 2 and that the response provided by the Reentry Coalition was inaccurate.
 - In the event that an unfavorable criminal history is received for an applicant, the applicant is given the right to dispute the accuracy and relevance of the criminal record according to 24 CFR 960.204 with the appropriate LMHA staff.
 - In the event LMHA can resolve the issue with the unfavorable criminal history, LMHA will continue processing the application and no hearing is necessary for the unfavorable criminal history.
 - In the event LMHA is unable to resolve the issue with the unfavorable criminal history, LMHA will issue a denial letter to that applicant. The denial letter states the reason for denial and the right to an informal hearing.
- Policy Change 4: *LMHA should never issue denials for mere arrests or charges.*
- LMHA realizes that an arrest or a charge for a crime is not evidence that the person arrested or charged committed any crime. Therefore, LMHA does not issue denials for mere arrests or charges.
 - HUD gives all PHA's broad discretion to consider all relevant information to set its admission policies, except where HUD specifically establishes standards that prohibit admission.
 - LMHA also looks at an applicant's history and screens for suitability as required in 24 CFR 960.203(c) and outlined in the ACOP Chapter 3, page 3-27.
 - Since LMHA believes it to be relevant, LMHA will continue to consider all evidence of criminal activity including arrests and outstanding criminal warrants when determining an applicant's eligibility for housing.
 - LMHA has placed several safeguards in place to ensure that an applicant is not denied merely based on arrests or charges.
 - Per Policy change 2, LMHA gives all applicants who have an unfavorable criminal history an opportunity to dispute the accuracy and relevance of the criminal record prior to determining eligibility or denial.
 - If an applicant is denied after being given this opportunity, the applicant still has the right to request an informal hearing.
 - Per the ACOP Chapter 3 page 3-22, "A conviction for such activity will be given more weight than an arrest or an eviction."

- Per the ACOP Chapter 3 page 3-23, “In making its decision to deny admission, the LMHA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, the LMHA may, on a case-by-case basis, decide not to deny admission.”
 - Per the ACOP Chapter 3 pages 3-29 and 3-30, LMHA takes into account the “Consideration of Circumstances [24 CFR 960.203(c) (3) and (d)].”
- Policy Change 5: LMHA should amend its policies regarding sex offenders who are not subject to lifetime registration.
- Although HUD mandates only individuals “subject to a life time registration requirement under a State sex offender registration program” be denied housing, HUD gives a PHA the sole discretion to adopt more rigorous rules.
 - Per chapter 3 page 3-19 of the ACOP, “Where the statute requires that the LMHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the LMHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c) (3) (ii)].”
 - After further review, LMHA has adopted the following language in Chapter 3 pages 3-20 and 3-21 of its ACOP: “The LMHA will deny admission if any household member is subject to any registration requirement under a state or federal sex offender registration program.”

After reviewing the materials sent by LMHA with LMHA at the meeting and thoroughly discussing the parties’ positions and potential solutions, the partners placed the changes that they were still seeking in writing as well as commented on LMHA’s most recent revisions and responses. In an email following the meeting, the partners outlined the changes that they were still seeking and attached redlined and revised copies of Chapter 3 of the ACOP, the Withdrawn for unfavorable criminal history letter, and the Hearing Request Letter to Applicant. To this end, the partners respectfully requested the following changes to the current Chapter 3 ACOP and letter language:

- Eliminate the sentence on page 3-21 since non-lifetime registry is not a designation requiring denial by HUD and since this should not be an outright denial. Instead, we request that LMHA include the language below on page 3-22 in section 3-III.C. “Other Permitted Reasons for Denial of Admission” under “LMHA Policy” prior to the subsections covering 10- and 5-year history considerations. “In addition to the required denial of lifetime sex offender list registrants, LMHA will consider any current registration status on a state sex offender list in determining eligibility.”
- On page 3-22, eliminate the word “suspected” in the paragraph stating, “Evidence of such criminal activity includes, but is not limited to any record of convictions, arrests, or evictions for ~~suspected~~ violent criminal activity of household members within the past 10 years. A conviction for such activity will be given more weight than an arrest or an eviction.”
- On page 3-22, we request the changes below to the paragraph detailing the evidence that LMHA will consider:
 - “Evidence of such criminal activity includes, but is not limited to the following:

- any record of convictions within the past 10 years;
- evictions for ~~suspected~~ violent criminal activity of household members within the past 10 years; and/or
- a repeated pattern of similar violent criminal and/or disorderly and disruptive conduct resulting in arrests and/or charges over the past 10 years.

A conviction for such activity will be given more weight than an arrest or an eviction.”

- Similarly, the language on page 3-23 should reflect the change to the “arrest” language.
 - “Evidence of such criminal activity includes, but is not limited to the following:
 - any record of convictions within the last 5 years;
 - evictions for ~~suspected~~ drug-related or violent criminal activity of household members within the past 5 years; and/or
 - a repeated pattern of similar violent criminal and/or disorderly and disruptive conduct resulting in arrests and/or charges over the past 5 years.

A conviction for such activity will be given more weight than an arrest or an eviction.”

- On page 3-22, we request further specificity in the paragraph stating, “Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse” that will mirror the reference to a particular statute/code section, as provided in the paragraph direct preceding this one (i.e. Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].”).
- On page 3-23, under “LMHA Policy” add “other than warrants for traffic offenses” to “Has outstanding criminal warrants” (i.e. “Has outstanding criminal warrants, other than warrants for traffic offenses.”
- The partners were very satisfied to see the pending application letter.
- Regarding the “withdrawn – unfavorable criminal history” letter, we request that the final sentence be deleted and replaced as follows:
 “If you fail to appear or fail to notify my office by **12:00 p.m. the day prior** to your scheduled hearing date, you will forfeit your right to a hearing and a decision will be made without your presence. ~~All decisions are final, and you will not have any other recourse concerning this matter.~~ This decision will be LMHA’s final decision.”

❖ October 27, 2014: Correspondence between partners and LMHA

On October 27, 2014, after failing to receive any further information from LMHA, the partners emailed LMHA for an update regarding the status of the suggested changes. LMHA responded that a meeting would be scheduled to review LMHA’s final decision concerning the changes that were requested prior to being submitted to the Board for approval. LMHA said that all parties would be notified of the date and time. As of December 2014, LMHA has not notified any of the partners of such a meeting.

In order to address the impediments that the reentry population faces, LMHA should continue to work with the partners to ensure that its policies and practices do not unnecessarily restrict the

housing choice of individuals seeking to reintegrate into society and their families. To this end, the aforementioned changes offer a meaningful way to mitigate the barriers facing this population and to affirmatively further fair housing in the jurisdiction.

HOMELESS SERVICES AND THE APPLICATION OF THE FAIR HOUSING ACT

The Fair Housing Act (FHA) prohibits discrimination in the sale or rental of housing. Among other forms of housing, the FHA applies to dwellings that are funded partially or entirely by grants or contributions from the federal government. 42 U.S.C. § 3603 (2014). Whether the FHA applies to a shelter for the homeless, therefore, depends on whether the shelter qualifies as a “dwelling” under the FHA. The statutory definition of “dwelling” under the FHA includes any building or portion of a structure or building, which is designed for occupancy as a residence and is occupied as a residence by one or more families. 42 U.S.C. § 3602 (2014).

An early federal district court case, *United States v. Hughes Memorial Home*, considered whether a children’s home was a dwelling within the meaning of the FHA and described the inquiry as turning on whether or not the place in question is “occupied as a residence.” 396 F. Supp. 544, 549 (W.D. Va. 1975). The court looked to the plain language definition of a residence, as the term is not specifically defined under the FHA, and decided that a dwelling or residence is “a temporary or permanent dwelling place, abode or habitation to which one intends to return as distinguished from the place of temporary sojourn or transient visit.” *Id.* In *Hughes Memorial*, the court easily found that the children’s home in question, where each child stayed for an average of about 4 years while attending school during the day and returning to the home each evening, was a dwelling under the FHA. *Id.* at 547, 549.

Although residents may only remain at some shelters for a maximum of 90 days, for instance, such a shelter would likely still qualify as a dwelling if the it is the residents’ one and only temporary residence to which they return every night throughout the duration of their stay. In other words, it is a temporary residence in which residents live *for a substantial amount of time and to which occupants intend to return* while living there.

The Third Circuit adopted the reasoning of the court in *Hughes Memorial* in the case of *United States v. Columbus Country Club*, 915 F.2d 877 (3d Cir. 1990), in which the court applied the FHA to a community of summer homes occupied annually by members of a Catholic country club. The court held that the necessary inquiry was “whether the defendant’s annual members intend to remain in the bungalows for any significant period of time and whether they view their bungalows as a place to return to.” *Id.* at 881. The court found that the members returned year after year, staying for five months at a time, and that the bungalows were indeed dwellings under the FHA. *Id.* Many shelters are similar to the dwelling found in this case because the residents live in them for several months, just short of the five months during which the bungalows in *Columbus Country Club* were occupied. If, during this time, the shelter is also the one temporary residence to which these people can return until they find a more permanent residence, it is very likely to be found to be a dwelling under the FHA.

A federal district court concluded that a homeless shelter was a dwelling under the FHA in *Woods v. Foster* because

“the shelter is provided for those in need of shelter; the homeless are not visitors or those on a temporary sojourn in the sense of motel guests. Although the Shelter

is not designed to be a place of permanent residence, it cannot be said that the people who live there do not intend to return—they have nowhere else to go.” 884 F. Supp. 1169, 1173 (N.D. Ill. 1995).

Application of this reasoning to other shelters clarifies further that they are likely to be a dwelling under the FHA if they are considered a temporary residence for their occupants. Factors such as whether occupants are assigned a bed, whether occupants can come and go throughout the day, the duration of residence permitted, whether residents can expect and/or intend to return to the shelter, etc. are all indicia of the existence of a dwelling as defined by the FHA and courts’ interpretation of the FHA. One can contrast this with a motel, which is not a dwelling under the FHA because a stay there is only transient and the person staying still intends to return to their home eventually. *Patel v. Holley House Motels*, 483 F. Supp. 374 (S.D. Ala. 1979). Temporary dwellings, places to which residents intend to return, on the other hand, are subject to the FHA.

By examining the case of *Intermountain Fair Housing Council v. Boise Rescue Mission Ministries*, 717 F. Supp. 2d 1101 (D. Idaho 2010), one can find an example of a homeless shelter that the Court did not determine to be a “dwelling” under the FHA. The shelter in that case admitted occupants for each night only between 4:00 p.m. and 5:30 p.m. *Id.* Guests arriving late had to have an excuse to be able to receive a bed in which to sleep at the shelter for the night, and those arriving after 8:00 p.m. would not receive a bed for the night. *Id.* Those admitted to sleep for the night had to be in bed for quiet time at 10:00 p.m., and staff awakened everyone at 6:15 a.m. *Id.* Guests had to be out of the building by 10:00 a.m. and could not loiter near the building. *Id.* Guests could return for lunch between 12:00 p.m. and 1:00 p.m. only, and again between 4:00 p.m. and 5:30 p.m. for the night. *Id.* Guests could possibly stay up to seventeen consecutive nights, but could not come and go after entering, and guests were not guaranteed to be assigned the same beds each night. *Id.* at 1105. The court drew from the factors described in *Hughes Memorial* and asked whether the facility was designed to house occupants who intended to remain there for a significant period of time and also whether the occupants considered the shelter a place to which they could return. *Id.* at 1109. The court easily found that the shelter in this case was not a dwelling under the FHA because it was not intended that occupants stay for any substantial period of time. *Id.* at 1111. The shelter in *Intermountain Fair Housing Council*, which provides only shelter for the night, is in stark contrast to a shelter that residents can expect to treat as their home for several months, especially one that assigns occupants a bed and a room where they can expect to return.

When considering whether a homeless shelter is a dwelling subject to the FHA, the aforementioned cases illustrate that courts will consider whether the shelter is intended to be a temporary or permanent residence where occupants will live for a significant amount of time and whether the occupants expect that they may return to the shelter as they would to their own residence. Moreover, courts have consistently applied the FHA to homeless shelters without even considering the issue of whether the shelters in question are dwellings. *See Turning Point, Inc. v. City of Caldwell*, 74 F.3d 941 (9th Cir. 1996) (applying the FHA to shelter for homeless and battered women and their families), and *Cnty. House, Inc. v. City of Boise, Idaho*, 623 F.3d 945 (9th Cir. 2010) (avoiding the question of whether the FHA applied to a homeless shelter “as currently operated”).

This application of the FHA highlights the strong need for homeless service providers, whether recipients of federal funding or not, to be aware and observant of the fair housing rights of potential and current clients. In July 2012, the Center partnered with the Department of Neighborhoods (DoN) of the City of Toledo to revise and reinstitute monthly fair housing reporting forms. The partners coupled this with fair housing training annually of all sub-grantees. The City requires and has required all of its third party partners, i.e. sub-recipients of HUD funding, to complete and send the fair housing reporting forms to the organization's DoN grant monitor and to the Center. The purpose of these forms is to promote information-sharing among the various entities that serve Toledo residents and to better identify and address any potential fair housing issues. The Center provides quarterly summaries of these reporting forms to the DoN and monitors them regularly.

Although this is a requirement for grantees and is included in their funding contract, few of the third party partners complete and turn in the forms, and those that do generally fill the form in with all "No" or "not applicable" responses, despite the fact that the nature of the services that the entity provides would require an alternative response (e.g. homeless shelters that claim to never have denied housing to anyone or removed anyone from their housing). Due to the less than favorable results that the new form and training have had, the Center has begun to more directly partner with the Toledo Lucas County Homelessness Board and the Toledo Area Alliance to End Homelessness. Hopefully, with more targeted trainings and more open dialogue between the various agencies, the Center and the City can better ensure compliance with the Fair Housing Act by homeless service providers.

ADMINISTRATIVE UPDATES TO NOTE: RULES, PROPOSED RULES, AND GUIDANCE

In the years since the last AI, federal administrative agencies have been incredibly active in terms of the proposal, finalization, and release of rules, regulations, and guidance. Reference and title information for some of the documents that are most relevant to fair housing and related areas of concern are included below as a resource.

U.S. Department of Housing and Urban Development

- PIH Notice 2011-31/ FHEO Notice 2011-1, Subject: Guidance on non-discrimination and equal opportunity requirements for PHAs (June 13, 2011):
<http://portal.hud.gov/hudportal/documents/huddoc?id=PIH2011-31.PDF>
- Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of Olmstead (June 4, 2013):
<http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>
- PIH Notice 2012-31 (HA), Subject: Assisted housing for persons with disabilities under Olmstead implementation efforts to provide community-based options rather than institutional settings (June 29, 2012):
<http://portal.hud.gov/hudportal/documents/huddoc?id=pih2012-31.pdf>
Memo, Subject: Guidance for FHEO Staff in Assisting Persons with Disabilities Transitioning from Institutions (August 11, 2011):
<http://portal.hud.gov/hudportal/documents/huddoc?id=TransitioningDisabledMemo.pdf>
- Implementation of the Fair Housing Act's Discriminatory Effects Standard – Final Rule (February 15, 2013):
<http://portal.hud.gov/hudportal/documents/huddoc?id=discriminatoryeffectrule.pdf>
- Five Facts Every Parent Should Know About Their Housing Rights (Familial Status Fact Sheet) (June 2013):
<http://portal.hud.gov/hudportal/documents/huddoc?id=FamilialStatusFactSheet.pdf>
- Clarification on Affirmative Fair Housing Marketing Plan Review and Approval Guidance (September 22, 2014):
<http://intraportal.hud.gov/hudportal/documents/huddoc?id=afhmpreviewguidance.pdf>
(link broken; alternative link: <http://www.nahma.org/wp-content/uploads/2014/04/AFHMP-filing-clarification.pdf>)
- Affirmatively Furthering Fair Housing Proposed Rule (July 19, 2013):
http://www.huduser.org/portal/affht_pt.html#summary-tab
- FHEO Notice 2013-01, Subject: Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs (April 25, 2013):
http://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcfheo2013-01.pdf
- An Estimate of Housing Discrimination Against Same-Sex Couples Study (June 2013):
http://www.huduser.org/portal/publications/fairhsg/discrim_samesex.html
- Housing Discrimination Against Racial and Ethnic Minorities 2012 Report (June 2013):
http://www.huduser.org/portal/Publications/pdf/HUD-514_HDS2012.pdf
- Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity (aka LGBT) Final Rule (February 3, 2012):

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/LGBT_Housing_Discrimination and
<http://portal.hud.gov/hudportal/documents/huddoc?id=12lgbtfinalrule.pdf>

- Memo, Subject: Assessing Claims of Housing Discrimination Against Victims of Domestic Violence under the Fair Housing Act and the Violence Against Women Act (February 9, 2011):
http://www.fairhousing.com/include/media/pdf/Domestic_Violence_Guidance.pdf

U.S. Department of Justice

- Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.* (June 22, 2011):
http://www.ada.gov/olmstead/q&a_olmstead.htm

Joint Statement of the Department of Housing and Urban Development and the Department of Justice

- Accessibility (Design and Construction) Requirements for Covered Multi-family Dwellings under the Fair Housing Act (April 30, 2013):
<http://portal.hud.gov/hudportal/documents/huddoc?id=JOINTSTATEMENT.PDF>

Consumer Financial Protection Bureau

- Ability to Repay and Qualified Mortgage Standards Under the Truth in Lending Act (Regulation Z) (effective January 10, 2014, aka “QM Rule”):
<http://www.consumerfinance.gov/regulations/ability-to-repay-and-qualified-mortgage-standards-under-the-truth-in-lending-act-regulation-z/>

The Federal Bank Regulatory Agencies, i.e. the Federal Reserve Board, Federal Deposit Insurance Corporation, and Office of the Comptroller of the Currency

- Community Reinvestment Act; Interagency Questions and Answers Regarding Community Reinvestment; Joint Notice (Comment Period closed November 10, 2014):
<http://www.federalreserve.gov/newsevents/press/bcreg/20130318a.htm> or
<http://www.regulations.gov/#!docketDetail;D=OCC-2014-0021>

CURRENT STATE OF FAIR HOUSING

RECORD OF CITIZEN PARTICIPATION

In late October 2014, the Center conducted a series of three community forums in order to discuss the impediments that exist in the Toledo region, to better assess the current state of fair housing in Toledo, and to create a record of citizen participation for the analysis and planning processes. The Center sent out invitations and publicized the forums several weeks in advance in an attempt to gather valuable input from a diverse group of community members, local agencies, units of government, financial institutions, housing and housing-related service providers, community development corporations, community organizations, and the general public.

The Center sought that participants attend and provide feedback to the Center, the City, and its partners to allow them to more effectively identify and address the barriers that continue to exist to fair and equal access to housing. The Center asked that the public and/or invitees attend at least one forum, which took place on the following dates and times at the locations indicated:

- Friday, October 17th from 9:30 a.m. – 11:30 a.m. at United Way Building Room B (424 Jackson St, Toledo, OH 43604);
- Monday, October 20th from 1:30 p.m. – 3:30 p.m. at United Way Building Room B (424 Jackson St, Toledo, OH 43604); and
- Tuesday, October 21st from 10:00 a.m. – 12:00 p.m. at Toledo Fair Housing Center Garden Level Conference Room (432 N Superior, Toledo, OH 43604)

The Center had a series of questions prepared that helped to focus and facilitate the discussion.

The input of over individuals throughout the three forums allowed for the representation of many groups, including the Toledo Fair Housing Center, the City of Toledo Department of Neighborhoods, the Toledo-Lucas County Plan Commission, the Toledo Board of Realtors, the Northwest Ohio Development Agency, the Toledo Lucas County Homelessness Board, the Toledo Area Alliance to End Homelessness, Neighborworks, Advocates for Basic Legal Equality, Inc./Legal Aid of Western Ohio, the Ability Center of Greater Toledo, Lucas County Mental Health and Recovery Services Board, the Lucas County Auditor's Office, Washington Local Schools, and Saint Paul's Community Center.

In order to help the Toledo Fair Housing Center (FHC) identify and assess barriers to fair housing in the community, the following questions were formulated:

- What barriers do you see in the housing market that would impede someone's ability to rent, purchase, or insure housing or finance the purchase of housing?
- Have you encountered barriers when trying to secure housing or assist others in securing housing? If so, what were they?
- Do you see any barriers in the market that would prohibit or make it harder for someone to obtain housing based on that person's race, religion, national origin, color, sex, familial

status (having children present in the home), disability, military status (Ohio) or sexual orientation (City of Toledo)?

- What suggestions do you have for increasing housing or homeownership opportunities?
- What barriers, if any, do you see to establishing a requirement that new housing developments have a set-aside for low-income households?
- How do transportation issues impact housing opportunities?
- Have you encountered any zoning problems in your attempts to secure housing or assist others in securing housing?
- Over the years the City of Toledo has lost a significant portion of its population to the suburbs. What factors do you see contributing to this trend? What can be done to stop this trend and/or make the city core a more attractive place to potential/current residents and community assets such as banks, grocery stores, and education and job opportunities?
- In recent years, the Hispanic/Latino population has increased tremendously; do you think the housing needs of this community are being met?
- Are immigrant populations as a whole getting their housing needs met? What challenges do you see in trying to help new immigrants obtain housing?
- What are some agencies that are friendly and helpful in servicing new immigrant and minority populations?
- What impact have poorly maintained Real Estate Owned (bank repurchased foreclosures) properties and investor-owned properties had on our community?
- What can be done to help with the foreclosure and blight problems?
- What ideas do you have for creating diverse and inclusive neighborhoods throughout the City?
- Do you feel there are other groups of people who should receive protected class status? If yes, who and why?
- Do you view the concentration of LIHTC properties in the City as a problem? If so, what potential solutions do you think exist?
- How well or poorly is the Reentry population re-integrating into our communities? What steps could be taken to improve their ability to reenter and better facilitate their acquisition of safe, affordable housing?
- What particular challenges do you see facing the LGBTQ community obtaining the housing of their choice? What would be helpful to mitigate or eliminate the barriers that this community is experiencing?
- What barriers do those with non-employment income face in their housing search (e.g. Section 8 vouchers, alimony payments, SSI, etc.)?
- What issues are housing consumers and residents facing with regard to living in or relocating to areas of high-/low-opportunity, i.e. areas characterized by many community assets and low poverty versus areas with very few community assets and high poverty rates?
- What challenges exist concerning the moving of people from low-opportunity areas to high opportunity areas? What can/should be done to increase the opportunity level in areas currently characterized as low-opportunity?
- Given the impact that lead-based paint poisoning has on families with children and predominantly minority communities, what are the best means for addressing the issue?

- What housing-related issues do you see affecting victims of domestic violence and their families (e.g. lease provisions that restrict frequent police calls/municipal ordinances that punish landlords for failing to take action against tenants who call for police assistance, refusal to alter lease terms – who is on the lease)? How can we better ensure that this population has access to safe, affordable, stable housing options?
- Are there any other issues you feel need to be addressed in the Analysis of Impediments?

Following the community forums, a reasonable time period was provided for the purpose of permitting those unable to attend and/or those who were in attendance to supply further input. Once the Toledo Fair Housing Center received all responses, the answers were compiled to reflect community views on the subjects addressed by each of the questions. A complete synopsis of the forums follows:

- **What barriers do you see in the housing market that would impede someone’s ability to rent, purchase or insure housing?**
 - Supply-and-demand issue, not enough rental property and therefore high rent in Washington Local School District;
 - Background checks;
 - People who want to buy homes and have limited money (relates to an issue of available, decent jobs that pay well -- in the interim, a high percentage of income is going to rent);
 - Overall barriers: Rental- poor credit score and past rental history of potential applicants;
 - Affordability issues – need of direct voucher assistance or subsidy since people are spending at least thirty percent of income on housing;
 - With affordability too often come poor conditions – i.e. if the housing is in a non-burdening price range, the average (and especially low- and moderate-income) tenant will be subject to awful conditions;
 - Reentry population (from prisons) face particular problems, especially with LMHA;
 - Concern about lead abatement;
 - Accessibility – functionally meeting homeowners needs;
 - Safety issues – no choice with affordable rent;
 - Purchasing – credit score and down payment issues;
 - Race/racism;
 - Lack of education about housing availability and housing access;
 - Credit scores and standards as well as other financial barriers;
 - Disability—limited housing for persons with disabilities; and
 - Transportation.
- **Have you encountered barriers when trying to secure housing or assist others in securing housing? If so, what were they?**
 - Transitioning young adults, especially coming from juvenile system or foster system – not considered homeless (by HUD definition), no credit history, probably don’t qualify for many programs; may end up couch-surfing, moving from friend’s house to friend’s house and struggling to secure housing;

- Problem of fear due to uncertainty about home-seeking process, whether rental or purchase, but especially concerning homeownership;
- Access to credit – people far away making decisions on loans done locally -- it is no longer a local relationship (which could better serve underserved markets), which has had an impact on accessibility of credit;
- Deposits can be prohibitive -- people may have to pass up on other bills to afford them;
- Some potential players in helping achieve better access to housing do not necessarily help, e.g., a utility company instead of readily guaranteeing services may slow the process if a person has an outstanding bill;
- Financial issues are incredibly common;
- Criminal history;
- No credit or bad credit;
- Concerns of families attempting to afford housing fit to accommodate the family's size needs;
- Issue with managers changing complexes to senior-only housing, which becomes an issue when families reside or seek to reside in such complexes;
- Tax-credit property status lost or expires, which leads to the charging of market rent;
- Unfavorable rental history is huge problem;
- Placement issues;
- Past due utilities also have major effect;
- Education of people involved with housing placement is issue;
- Need for proper information and distribution/outreach and education;
- Low-income families – problem with landlords abusing and/or taking advantage of tenants because of perceived lack of education and lack of awareness of rights (security deposits issues commonplace);
- Landlords seem to burden lease with unlawful conditions (i.e. in direct contravention with Ohio landlord-tenant/fair housing law). With the general lack of education, many tenants are waiving rights of which they were not aware;
- Yes. Access to credit. Lenders are very conservative in lending. People are not meeting credit score requirements set by lenders/underwriters. Those applicants who do have a credit score are often still hindered by other things on their credit reports. In addition, some people do not understand the application process; and
- Condo associations must be certified. It is very difficult now to obtain loans for condos. Federal Housing Administration lending is particularly difficult.

• **Do you see any barriers in the market that would prohibit or make it harder for someone to obtain housing based on that person's race, religion, national origin, color, sex, familial status (having children present in the home), disability, military status (Ohio) or sexual orientation (City of Toledo)?**

- Deterrents for people with disabilities such as no pets policies;
- Possible requirements for treatment (e.g. someone with a criminal history and documented anger issues);
- Religious discrimination occurring (Muslim particular) and national origin issue also;
- Property owners' concerns, for rental or purchase, because cash payments linked with national origin (Depends on who cash is from);

- Advertising against service animals or other information that might steer buyers away;
- Neighbors harassing neighbors because of discrimination regarding one of these protected classes. What can we do about this when landlords feel it's not their job to "babysit"?; and
- Depending on the level of harassment, tenants could file a complaint with the FBI. They need education about their civil rights. This is mostly a problem with renters.

• **What suggestions do you have for increasing housing or homeownership opportunities?**

- Taxes can be prohibitive – state legislature has taken away some previously available subsidies in the form of tax credits to help people buy homes and the cost has shifted onto buyers;
- Reach out and educate non-traditional purchasing demographic;
- Lenders are adopting more difficult credit requirements – to keep folks out;
- Education: not just with consumers, but with anyone involved in a homeownership process. Community lending: often lenders are not aware of community lending products—they should be! Title companies should have more knowledge of the process too. It seems that realtors tend to know more than the aforementioned;
- Large banks are not getting looser. Many people are borrowing from credit unions instead;
- We've made the process so scary now! It's "next to impossible" to get through the process—even refinancing a home is difficult now. People are saying "this is unlike what it was like 15 years ago";
- Appraisals are another issue—finding comps;
- Some lenders are saying "now we have a loan limit—we can't go below here";
- Qualified mortgage issues.

• **What barriers, if any, do you see to establishing a requirement that new housing developments have a set-aside for low-income households?**

- Discussed "floating units" versus segregated/designated units;
- Opportunities and site control that is required for LIHTC properties;
- Example of thirty-percent funding requirements – must be a long term commitment and level of rent must be in the range of affordability;
- Also needs to have bus routes and stores to allow low income ability to live successfully;
- Access to Medical Facilities and schools, as well;
- Need a longer commitment – such as the normal forty-year term (LIHTC);
- Toledo has need for clean-up and change;
- Protest and pushback—stigma of low-income units. Landlords don't want that;
- Folks who will be having these units appear close to them have complained that by concentrating the poor in one area, you concentrate their problems in one area (often low-income housing is developed near current low-income housing);
- People are always resistant to having people who pay less for their housing near them. Even wealthy people are resistant to less-wealthy, but still affluent newcomers to a neighborhood;
- Decisions in use of federal funding is an issue. Some wouldn't be averse to more tax-credit projects if they didn't have to be 60, 80 percent low-income;

- With OHFA—we're going to finance housing for seniors. But what about when the funding stops? This housing becomes apartment complexes. The Plan Commission must approve the zone change. They have to look at whether the units are single- or multi-family before approving a new project, and maybe change zones.

- **How do transportation issues impact housing opportunities?**

- People who rely on public transportation are restricted in where they can live;
- Gas can be prohibitive. Oil changes and maintenance can make traveling expensive and restrict people to areas close to work for economic reasons;
- Attitudes about public transportation – in some places, like Chicago, people are willing to use public transportation regardless of their economic status;
- Some are more willing to bike rather than public transportation;
- No sidewalks;
- Transportation opportunities for people with disabilities – issue of withdrawing these services sends a negative message regarding whom are not wanted in certain communities;
- Without public transportation or family supports, which most need, you are at the mercy of the economic, social, built, and natural environment;
- Need for living life, i.e. for employment and other needs associated with life;
- Public Transportation is poor – and the more rural, the fewer the options;
- Clients perception of transportation matters and must be accessible in everyday life;
- This impacts ability to acquire a job. People rely upon transportation, which is needed for basic activities. Some have to base life around available transportation;
- How the bus system flows, according to population and income demographics;
- Currently working on GIS data and mapping, showing opportunity with specific sites of housing related to nearest transportation and recreation locations. Counseling should also be available to fit family needs;
- Toledo is not getting rid of TARTA, unlike some other communities. But the buses take a long time to get places. The mall will not allow the buses onto their property right now. Bus stop is near where semis drop off delivery in Wal-mart parking lot across from McDonald's area—it's not where everyone else is arriving;
- The cost of owning a car, upkeep, and gas is an impediment. It impedes ability to buy a house for which they would otherwise qualify. Ex: Family wants to buy near border in Michigan. It's costing them so much money just to get to work. Other ex: In counseling for default delinquency, family cannot save the home because they cannot afford it.

- **Have you encountered any zoning problems in your attempts to secure housing or assist others in securing housing?**

- Vance et al v. City of Maumee, Ohio;⁴¹

⁴¹ Vance contended that she could not enter the front of her home – which is built on a hill – because serious health issues make it difficult for her to walk up steps to the front of her house. She wanted to access her home through the alley, but former Maumee law director Sheilah McAdams said that the portion behind her home, which is the dead-end side of the alley, is not traversable. The city had allowed limited use of the alley until October 2011, when Maumee City Council voted to install a permanent barricade in the grass portion of the alley, which runs along the

- Yes, code enforcement issues that are rendering housing inhabitable (Rat Example);
- 2 code enforcement people are too few and not enough for this size city;
- Group homes and recovery homes issues – at hearings bias against such homes expressed. Difference with Old Age Homes. Regional issues in existence;
- Catch 22 – comes back to education and people using historical rules as excuse to not address issues;
- Zepf Center helping folks from nursing homes. These groups tend to be strategic about placing people where they would be a good fit.

• **Over the years the City of Toledo has lost a significant portion of its population to the suburbs. What factors do you see contributing to this trend? What can be done to stop this trend and/or make the city core a more attractive place to potential/current residents and community assets such as banks, grocery stores, and education and job opportunities?**

- Tax incentives;
- Investors/Developers;
- Jobs have strong ties to the relocation of people;
- Also, Education – worried about children’s opportunity;
- Downtown area is DEAD – without business or entertainment- options are scarce;
- Revitalization is needed, but money issues;
- Toledo lost jobs, which leads to more abandoned property, and in turn, more problems;
- Decreasing home values is a major worry, which also leads to abandonment/neglect;
- Schools are the biggest reason people are moving to the suburbs. People have done their research;
- There has been an increase in charter schools in the city in response;
- Empty nesters or childless couples want to stay close to work and the cultural centers in the city—so this population is increasing in the city;
- Lack of homes for sale in the city, but a lot of places for rent;
- Look at what Columbus has done—put green space right in the town center. This is a good idea;
- Race—people moving because of racism;
- What financing is available: can you get the market price to get profit in the downtown area? We’re still a little ways away from getting property value back;
- City’s policy: it was great we saved these old buildings, but certain populations put all in one place.

• **In recent years, the Hispanic/Latino population has increased tremendously; do you think the housing needs of this community are being met?**

- No, language barriers persist – people do not make efforts to attempt to communicate, e.g., by hiring bilingual staff;

back of her property. That action prompted Vance and her husband to file a federal lawsuit under the Americans with Disabilities Act, ADA and the Fair Housing Act, claiming that being denied access to their home through the alleyway has caused Vance physical pain, discomfort, severe emotional distress, humiliation and embarrassment.

- Mistrust of banking institutions;
 - NEEDS are the same, only difference may be language barriers and educational barriers;
 - No. Language barrier. Latino community is so close-knit, sometimes they do not want to let others in;
 - No. We are not tapping this market and being available for help and assistance;
 - Reluctance to leave specific areas because one family is settled, another family buys nearby, etc.;
 - Undocumented workers are very, very apprehensive to speak up and say anything; will have a family member come and receive counseling on their behalf;
 - Can this community find housing that is appropriate for their budget?;
 - Mentality is sometimes after housing purchase, we don't need (want) external help anymore;
 - The close-knit tendency is similar to the Asian population.
- **Are immigrant populations as a whole getting their housing needs met? What challenges do you see in trying to help new immigrants obtain housing?**
 - Perception issues – Asian (immigration-driven demographic growth) vs. Hispanic (birth-driven demographic growth);
 - Predatory practices against refugees;
 - Immigrant status is usually mistaken and is over-assumed;
 - Overall issue is meeting regulations for employment, which blocks ability for residency and housing;
 - Refugee assistance and need for housing opens the door for landlord abuse;
 - Cultural intolerance among landlords;
 - Difference in family cultures—many cultures do not see density issues, while landlords have “hard and fast rules” about crowding that do not accommodate these ways of being together as a family. We should educate landlords about these ethnic and cultural differences. (Ex: Mom, dad, brother, sister, grandma.);
 - What we may consider substandard living may not be considered substandard living by some cultures;
 - We do have mandates—can't have this many in a bedroom, etc.;
 - Are immigrants coming to Toledo because of a relative or job opportunity? Usually a family relationship. Have 1 or 2 family members who have been here a while and are established. Otherwise, they come to start their own business;
 - Is the target audience the actual families already located here? Dependent upon which group we're talking about. Refugee populations and migrant workers: transient populations with little connection to community—happen to be here because of a job opportunity or this is simply the way they are placed;
 - The TRANSIENT part is what scares landlords. They don't want to worry about going without tenants, repainting. How can a landlord check credit of a refugee?
 - **What are some agencies that are friendly and helpful in servicing new immigrant and minority populations?**
 - Farm Labor Organizing Committee;

- International Institute;
 - TFHC;
 - ABLE;
 - Churches and faith organizations usually play major part in outreach;
 - La posada, el plante, FLOCK, churches, Catholic charities, NODA, Pathways, United Way 2-1-1 (operators trained on many things);
 - Most agencies will offer assistance up to their capacity. Haven't seen people turned away because of their immigrant status;
 - United Way hasn't been to the forums, but they do participate in reporting. TFHC has talked about having a joint training session between United Way and TFHC to compare intake systems.
- **What impact have poorly maintained REO properties and investor-owned properties had on our community?**
 - Blight;
 - Because of lack of maintenance, the value of the property drops (other values come down);
 - Turning communities with strong homeownership into rental communities;
 - Reduction in sale prices, tax values, public health issues;
 - If poorly maintained, contributes to crime and blight;
 - They add to blight. Banks own them but don't maintain them. Complaints from adjacent property owners. Banks mask their ownership. The time it takes to figure out who is responsible slows down the processes;
 - Banks are strategic with courts (zombie foreclosure issue).
- **What can be done to help with the foreclosure and blight problems?**
 - Resolving issues right away; continual maintenance;
 - Regulations for the banking industry;
 - Grassroots work;
 - MLK program and others;
 - Many people are stuck in places they cannot afford and refinancing is not much of an option (due to lost jobs, social security and retirement). Clients are stuck because of a lack of job opportunities;
 - A blight board;
 - Realignment of code enforcement. Looking at codes and regulations, improving those. Bringing the correct owner to the table;
 - We should recover money we spend on abatement of properties;
 - Avoid foreclosure in the first place. If someone is on the brink of foreclosure, they are unable to get improvements on their house because they can't fight all of the hurdles in the way re: insurance, property taxes. They tend to thus walk away;
 - Modification process is long and rough;
 - There are several homes that could have promise if they were just remodeled. We should look into this before building new housing;

- Rehab banks: when houses get knocked down, parts and pieces that are good can be used for other structures in the community. This should be done on a broader scale and across community lines;
 - By the time we get our hands on the property there is nothing left—not cost effective to tear down and throw out;
 - There should be a period between foreclosure and potential tear down when remodeling is looked at;
 - But when the family leaves, the house deteriorates VERY quickly;
 - A lot of people don't realize they can remain in the home after receiving notice in the mail—a complaint is not a requirement to immediately leave;
 - Debt Foreclosure Forgiveness Act expired end of 2013;
 - The real problem is those who only need a few things done staying in their home. We need EDUCATION for this. Social service agencies should come together to address this by way of counseling. If someone's worried about foreclosure or eviction, they are primarily worried about where they will live, not jobs. We want to stabilize housing first;
 - There is a segment of the population who is in a set of circumstances that is not their choice—loss of job, etc. Not everybody is ready to own a house. We do not want to set people up for future failure. We should offer these people many renting options. They can work their way up to ownership;
 - Making Home Affordable made things more uniform—using gross income.
- **What ideas do you have for creating diverse and inclusive neighborhoods throughout the City?**
 - The city does not emphasize neighborhoods that are close-knit and have pride;
 - Safety – people look for that first and foremost;
 - Changing attitudes – public policy will follow;
 - Arts are a way to bring people together, need for a renaissance (ie: Old West End example);
 - Need positive experiences within businesses and recreational opportunities;
 - Need to spread opportunities available in higher income areas;
 - All rolls back to education and explanation of processes will be beneficial;
 - Toledo Sister Cities International had a program to celebrate diversity;
 - There are festivals for different groups, but not one big festival—there should be!;
 - Low income tax credits—people must adjust their connotation of low-income;
 - Green space and parks; underground parking lot with green space on top;
 - More accessibility to riverfront;
 - Bike plan underway—new streets must have bike lanes;
 - There will be ethnic concentration because of the nature of our population. We want congregation because people CHOOSE to interact with other cultures; the *option* is what we want to provide (to certain businesses as well as communities, festivals).
 - **Do you feel there are other groups of people who should receive protected class status? If yes, who and why?**
 - Source of income (Should only matter if illegal);

- LGBT status, expanded to the whole state of Ohio or federally;
 - AIDS/HIV status;
 - Criminal background history;
 - Age;
 - People don't associate with a certain race—they want to have a place to check besides "Other." (Arab, indigenous populations of Latin America.) Same with gender—transgender people do not often have a place to check on applications. However, if we break up too much and get too specific, we may forget someone and make him/her more the other;
 - What if we have an open-ended question (What is your race?)? That works in a form but not in data collection;
 - Because we don't live in a post-racial society, we do need this data to track and address discrimination;
 - Sometimes clients are so offended by the options listed that they refuse to provide that info altogether. Sometimes the service provider has to guess.
- **Do you view the concentration of LIHTC properties in the City as a problem? If so, what potential solutions do you think exist?**
 - If the location is based on the funder, find more funders willing to expand to areas outside of the city;
 - Written by investors, not by social workers attempting to change in helpful ways;
 - Concentration is problem as properties age out;
 - No shortage of need – but many investors will not wish to invest;
 - Structure of program is not designed to help low-income housing (only the owners who walk away once money is received);
 - Location is key, with consideration to opportunities available;
 - Reducing funds creates issues, easier to build up than out;
 - Overall community is taking a hit, due to the money shaving;
 - Benefits versus cost-effectiveness (business would rather save money);
 - There have to be bigger incentives for developers to build them not in one concentrated area—to spread them out;
 - You have to have site control. If you didn't have to, you would probably have a more inclusive, more diverse area. Site control is a hindrance. The system itself doesn't lend itself to building inclusive communities;
 - The education of these residents is important—they often don't know what their responsibilities are. We need to educate and empower them.
 - **How well or poorly is the Reentry population re-integrating into our communities? What steps could be taken to improve their ability to reenter and better facilitate their acquisition of safe, affordable housing?**
 - Many people are not covered by regulatory definitions of "homelessness." Therefore, may be limited in how much assistance they can receive;
 - Institutions from which reentry populations are coming from should do more to help those people re-integrate back into the community instead of having policy of general release;

- Front-end solutions, i.e., keeping people out of the “system” such that they never become a part of the reentry population;
 - The issue of re-integration and housing access is fundamentally related to employment opportunity;
 - Not due to the need, stigma placed on labels;
 - There are studies showing success of not reoffending, with options available. Without opportunities, we have re-occurrences;
 - Family support is big role, and families are taking hits among the re-entry population (without family, problems arise);
 - More guidance from state towards community mental health boards to instruct these re-entry populations. Provide better insight;
 - Not a protected trait. But the bias based on race is obvious within the community (black males are more likely to be investigated for re-entry than white counterparts);
 - Need for education for private landlords;
 - MAY need to offer tax incentives and credits to create more incentive to make housing available for re-entry;
 - Legal Aide has attempted to address issues: with administrative hearing appeal, may need to examine who gets into the rehabilitation status (between men and women). Need more of an exception, procedures by LMHA;
 - Local communities should not be able to add their own requirements. (this would open more doors) NEED a floor and a ceiling -- strict guidelines;
 - City of Toledo – rehabbing houses and building houses for assistance available;
 - Previous interactions with some bad apples, creates a stigma in mind of LL and his friends which leads to LL bias notions and removal of acceptance to future tenants;
 - NEED educational outreach to show one apple does not ruin the bunch;
 - The people become associated with a program which in turn renders the program finished in the LL eyes. This hurts the programs reach;
 - Incentive for renting may be needed. Big issue for privately funded individuals, conditions affordable are in disarray. Problem has been growing for past few decades;
 - Vacant housing and diminished value in certain neighborhoods, eventually produce blockades;
 - Group homes vs. densely populated apartment complexes. There’s always a problem of NIMBY with those reentering;
 - Another aspect: will the landlord take the responsibility to help a reentering tenant;
 - Scarcity of available housing;
 - Very challenged folks: they need housing *and* they need employment.
- **What particular challenges do you see facing the LGBTQ community obtaining the housing of their choice? What would be helpful to mitigate or eliminate the barriers that this community is experiencing?**
 - No national or state protection limits the remedial possibilities at the local level, e.g., can’t file with HUD;
 - Statute should facially be very clear – does “sexual orientation” also contemplate gender identity or gender expression?;
 - Same-sex couples are having issues – due to non-acceptance of marriage;

- Stigma: “if you move here, you’ll be bringing all your friends who are just like you—you’ll take over our neighborhood”;
 - Intolerance—we need education about this community, even through churches;
 - Just like any protected class, landlords must look beyond.
- **What barriers do those with non-employment income face in their housing search (e.g. Section 8 vouchers, alimony payments, SSI, etc.)?**
 - If landlord says “no Section 8,” it puts people in restricted areas;
 - Section 8 vouchers only protected for a year. So after that year, for no reason people are being denied. Many people cannot produce a deposit, therefore many people are changing the location and dwelling due to LL unwillingness to re-rent. Or reverse, the tenant does not want continuation and barriers are set;
 - Also, harassment in apartment complexes produce problems, due to unwillingness to release these vouchers. Leading to major problems forcing hostile housing problems;
 - Without some sort of domestic violence, many landlords enable problems to continue;
 - Affordability;
 - Landlord will discriminate because of the stigma associated with non-employment income;
 - Some landlords don’t want to be involved in inspections.
- **What issues are housing consumers and residents facing with regard to living in or relocating to areas of high-/low-opportunity, i.e. areas characterized by many community assets and low poverty versus areas with very few community assets and high poverty rates? What challenges exist concerning the moving of people from low-opportunity areas to high opportunity areas? What can/should be done to increase the opportunity level in areas currently characterized as low-opportunity?**
 - Support systems, if those people moving into high-opportunity areas if it is a non-welcoming environment;
 - LACK OF CHOICE – many people financially limited;
 - Many people brought back transportation issues;
 - Also, source of income problems arise;
 - Historical Areas, blockade against creation of recreational areas and green spaces.
- **Given the impact that lead-based paint poisoning has on families with children and predominantly minority communities, what are the best means for addressing the issue?**
 - Be proactive, not waiting until a child gets poisoned (there is a proposal pending);
 - Marketing/education about the issue;
 - Homeowner education (for those selling);
 - Lead-based paint is not on the list for property inspectors;
 - Through Health Dept., City of Toledo is making strides with grant money;
 - A lot of hoops must be jumped through, which is deterring landlords from pursuing;
 - Grant is based on tenant and child, not the homeowner;
 - Maybe a change in the code will help effectiveness of grant;

- Cost to society as whole should be viewed;
 - City wide mandate, will create problems due to monetary limitations on applicability;
 - Documentation of proof of actual poison and property where occurred is difficult;
 - Education. Knowing how to clean, where;
 - How long does it take to build up dust levels to the point where you have elevated lead in the house under normal circumstances?;
 - Landlords do not have enough responsibilities to abate lead;
 - At the same time, many tenants don't want landlords walking through their home performing lead abatement;
 - How do you force a parent to keep their house clean? Children are most affected by lead levels. Should landlord be liable when, after abatement, new dust builds up and is not cleaned?;
 - Can an agreement be incorporated into the lease? "These are responsibilities of landlord, these are responsibilities of tenant.";
 - New legislation before Toledo City Council: Landlord must abate lead BEFORE tenant moves in (for units built before 1978).
- **What housing-related issues do you see affecting victims of domestic violence and their families (e.g. lease provisions that restrict frequent police calls/municipal ordinances that punish landlords for failing to take action against tenants who call for police assistance, refusal to alter lease terms – who is on the lease)? How can we better ensure that this population has access to safe, affordable, stable housing options?**
 - Education of property managers and landlords;
 - Abusers trick is to cause victim to be evicted, because consistent harassment and need for police interference goes against the landlord's view of the victim;
 - LMHA is really following up on modification, with group and coordinator dedicated to this cause;
 - LMHA needs to remain very proactive;
 - Working with LMHA on reentry and other areas needs to continue;
 - After Violence Against Women Act, updates to requirements by HUD;
 - An easy way to get people out of your community—evicting those who frequently call police;
 - What about the landlord helping tenants transition? Can there be a requirement there?
- **Are there any other issues you feel need to be addressed in the Analysis of Impediments?**
 - Insurers won't cover or charge higher rates for property with Section 8 tenants;
 - Foreclosures; banks going after people who now have better jobs – deficiency judgments?;
 - Reasonable Accommodations -- much resistance is being encountered. Need simple adjustments. Mental Health category has many examples of denials of accommodations. After enduring these denials, tenant eventually wants or needs to relocate;
 - Many tenants feel totally powerless against LL. Education essential for all, showing rights and procedures;

- LL should be required to distribute to Tenants, showing rights and should be required by LL to disseminate. This rights and responsibility outreach, given at time of lease or notice, to provide tenants ability to become fully aware of situation. It helps the LL and Tenant; a lot of problems would be settled with third party education as well;
- May be able to require LL certification, which again is open to private enforcement. Most LL's will try to abuse the situation;
- We must ensure the Tenants have knowledge and know their rights;
- Also provide contact information, for tenants to pursue avenues of redress;
- Still will have problems, dealing with month-to-month non lease occupancy;
- Legal Aide is trying to create clinics, for LL and Tenant rights. Held at the Government center. Suggestion, an online source, for efficiency and transportation issues. LACKING Bank Accounts may present problems;
- TFHC developing how to rent escrow brochure. Materials available through other sources;
- Blanket reasonable accommodation, for rent escrow payments, policy in place for elderly or disabled tenants or habitants;
- Could we get some kind of registry of bad tenants? We need a partnership of people to come up with how it would work. How would someone get on that list? Provision for how they get *off*? Yet, we also have bad landlords. Can we have a bad landlord registry too? They must go through proper training to get them off the list.
- We do have reviews of apartment complexes and management companies via outlets online. Some agencies have lists of tenants who cause problems, too.

CURRENT PUBLIC AND PRIVATE FAIR HOUSING PROGRAMS AND ACTIVITIES

In order to be considered to be affirmatively furthering fair housing (AFFH), jurisdictions seeking federal funds generally have to do the following:

1. Conduct an analysis to identify impediments to fair housing choice within the jurisdiction;
2. Take appropriate actions to overcome the effects of any impediments identified through the analysis; and
3. Maintain records reflecting the analysis and actions taken in this regard.

HUD specifies those more general aims to include that a jurisdiction:

- Analyze and eliminate housing discrimination in the jurisdiction.
- Promote fair housing choice for all persons.
- Provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability and national origin.
- Promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities.
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

HUD also clarifies that the aforementioned “obligation [to affirmatively further fair housing] is not restricted to the design and operation of HUD-funded programs at the state or local level. The obligation to AFFH extends to all housing and housing-related activities in the grantee’s jurisdictional area whether publicly or privately funded.”⁴²

Accordingly, a discussion of the current public and private fair housing programs and activities is both relevant as well as valuable in an effort to achieve the objectives above. By reflecting on how agencies, organizations, and others currently endeavor “to promote non-discrimination and ensure fair and equal housing opportunities for all,” the following review might reveal the strengths and success of efforts already being undertaken as well as areas requiring further attention, devotion of resources, and/or a different approach in order to provide effective treatment. Specifically, this section addresses the ways in which the public and private organizations that play the most significant role in fair housing independently and collaboratively attempt to achieve the second objective of AFFH.

The Toledo Fair Housing Center, which primarily serves the Toledo metropolitan area, works to attain the goals of fair housing and fair lending. As the mission of the Toledo Fair Housing Center clearly states:

The Toledo Fair Housing Center is a non-profit civil rights agency dedicated to the elimination of housing discrimination, the promotion of housing choice, and the creation of inclusive communities of opportunity. To achieve our mission, the

⁴² Department of Housing and Urban Development: Office of Fair Housing and Equal Opportunity. The Fair Housing Clearinghouse. United States. *Fair Housing Planning Guide*. Circle Solutions, Inc., 1996. Web. 18 Jan 2010. <<http://www.hud.gov/offices/fheo/images/fhpg.pdf>>.

Center engages in education and outreach, housing counseling, advocacy for anti-discriminatory housing policies, research and investigation, and enforcement actions.

The Toledo Fair Housing Center approaches fair housing in a holistic manner by conducting education, outreach, investigation, and enforcement activities. The mission of the Center is carried out through a variety of efforts. The Center conducts multiple educational and outreach programs, provides housing counseling services, advocates for the rights of complainants, investigates and litigates allegations of housing discrimination, and participates in meaningful community partnerships and programs. An outline of the Center's current activities and services follows.

Complaint Assistance-

- Advocating for persons whose rights have been violated
- Influencing public opinion about fair housing through education
- Investigating allegations of housing discrimination
- Providing technical assistance with housing-related inquiries
- Mediating complaints
- Testing complaints
- Referring consumers to other agencies for assistance when appropriate
- Filing complaints (administrative and legal)
- Enforcing fair housing laws
- Resolving complaints (complaint redress)
- Monitoring complaints

Education and Outreach-

- Providing technical assistance to consumers, housing providers, and others
- Distributing fair housing materials
- Conducting affirmative marketing programs
- Training people to become testers
- Placing PSAs and advertisements in local media
- Participating in radio and television programs
- Attending and having resource booths at community events

Disability Services-

- Compliance with Section 504 of the Rehabilitation Act
- Fair housing compliance
- Technical assistance
- New construction compliance
- Accessibility compliance
- Administrative advocacy
- Requests for Reasonable Accommodations and/or Modifications

Research-

- Fair housing impediments analysis
- Home Mortgage Disclosure Act analysis
- Lending analysis
- Auditing
- Conduct investigations and studies to determine the nature, level, and effects of discrimination and segregated housing practices
- Fair housing planning
- Legislative and policy research
- Spatial analysis, mapping

Training and Consulting Services-

- Fair housing training programs on laws
- Continuing Education for REALTORS® and other housing industry professionals
- Continuing education for legal professionals
- Counsel and inform businesses and organizations on all aspects of the fair housing laws, including lending, appraisal, rental, sales and insurance
- Cultural diversity training

Fair Lending and Insurance-

- Community Reinvestment Act activities
 - Increasing investment in urban areas
 - Increasing access to credit
 - Monitoring lending activities
 - Monitoring fair employment standards
- Monitoring industry compliance with fair housing laws
- Investigating complaints
- Researching insurance practices
- Expanding insurance activities
- Assisting homeowners in obtaining insurance
- Increasing consumer awareness
- Enforcing the Equal Credit Opportunity Act
- Analyzing Home Mortgage Disclosure Act data
- Monitoring secondary mortgage market and appraisal market

Counseling-

- Credit Counseling
- Foreclosure Prevention

Legal Assistance-

- Legal revolving loan pool
- Attorney referrals
- Staff attorney for fair housing clients, where appropriate

While the above list provides a useful overview of the programs and activities of the Center, supplementary detail regarding some of these efforts is also helpful to better understand the activities in which the agency engages in order to affirmatively further fair housing.

As the Toledo Fair Housing Center recognizes the value of education and outreach as, perhaps, the most proactive way to begin eliminating the occurrence of impediments and discriminatory practices, the agency regularly provides an assortment of instructive resources, available in a variety of media. Printed materials are available through the office, and for those with internet access, the Center's website features information for consumers and housing providers; answers to frequently asked questions; details concerning the Center's programs and achievements; tools for consumers such as the loan shopping sheet and a list of ways to ascertain whether discrimination has transpired; electronic files of publications; helpful links regarding housing matters and discrimination codes and statutes; and data, presentations, and other reference materials relating to foreclosures.

The Center also advertises and promotes its activities and programs via television, radio and newspaper communications; the Center's staff has also appeared on community affairs programs. The Center estimates that over 1.8 million people are reached annually through these forms of advertising and promotion, including the same persons being reached multiple times through a variety of media outlets. With every activity the Center participates in, it makes its existence known more broadly and continues to disseminate information that raises awareness and understanding of fair housing issues as well as the organizations that aim to address these barriers to making equal access for all a reality.

While the website, printed materials, and publicity via mass-media certainly have their utility, the Center also utilizes more active approaches to better cultivate an awareness and understanding of matters relevant to the attainment of equal access to housing for all. Thus, the Center offers a variety of programs and aids to help housing providers and the general public recognize discriminatory real estate, rental, lending and insurance practices, which include role plays, slide presentations, self-testing (for providers of housing and housing-related services), lectures and video tapes; those interested in making use of these services may obtain information about and/or make arrangements for them by simply contacting the Center. In addition, the Center also holds several classes such as the "Back on Track" financial literacy course, which is a requirement of the MLK Inclusive Communities Program.

The Center's educational and outreach programs during the Fiscal Year 2013-2014, in particular, included trainings conducted for testers as well as those performed for a broad array of constituents, which included attendees of the Homelessness Congress, Homeownership

Orientation, and Rebuilding Our Neighborhoods and agents of Sulphur Springs, Danberry, and Key Realty.

Resource booths were staffed for the following: African American Festival, the Toledo Zoo for ADA Day, Barrio Latino Arts Festival, Heritage Mission Days, Veterans Appreciation Breakfast and Resource Fair, among others. The Center trained several hundred people and distributed several thousand fair housing materials over the last year alone.

Since the Center also acknowledges the need for ongoing education of its staff, members of the Toledo FHC attend workshops and training seminars sponsored by the following: The U.S. Department of Housing and Urban Development, HOPE Fair Housing Center, National Equity Atlas, National Fair Housing Alliance, Ohio Housing Finance Agency, Center for Nonprofit Excellence, University of Toledo College of Law, Office of Community Development Fair Housing Program Advisory Committee Services Agency, the National Community Reinvestment Coalition, and the Ohio Fair Lending Coalition, among others.

Community Reinvestment Act and Lending Activities-

The Center's work under The Community Reinvestment Act and other fair lending laws has resulted in countless benefits for Toledo's central city neighborhoods. Some of these benefits have included:

- The renovation, building, and retention of central city bank branches;
- Six Community Reinvestment Act Agreements, which included provisions for expanded services, incentive lending products, fair housing and equal employment opportunities;
- Below-the-market interest rate mortgage loans, down-payment assistance programs, and other incentive loan products, which became available from the vast majority of banks in Northwest Ohio; and
- Loan products which better meet the needs of low and moderate income citizens.

Although some rather hastily claimed that the CRA was to blame for the financial meltdown, the Center maintains its position that, with more and more lending institutions merging, acquiring one another, downsizing, moving to online platforms, or closing altogether, the need for CRA is more important than ever. For this reason, the Center continues to engage in the analysis of lending patterns and practices of lenders in and around Toledo.

In addition to the CRA, President Obama signed the Dodd-Frank Wall Street Reform Act into law on July 21, 2010. Dodd-Frank created an entirely new agency, the Consumer Financial Protection Bureau (CFPB). The CFPB consolidates the functions of many different agencies and oversees credit reporting agencies, credit and debit cards, as well as payday and consumer loans (but not auto loans from dealers). The CFPB regulates credit fees, including credit, debit, mortgage underwriting and bank fees. The CFPB protects homeowners in real estate transactions by requiring they understand risky mortgage loans and has worked on form disclosures and simplifying the mortgage application. The CFPB requires banks to verify borrower's income,

credit history and job status and is housed under the U.S. Treasury Department. In addition to the creation of the CFPB, Dodd-Frank proposed eight areas of regulation.

The major parts of the Act include:

- Regulate Credit Cards, Loans and Mortgages;
- Oversee Wall Street;
- Stop Banks from Gambling with Depositors' Money - The Volcker Rule bans banks from using or owning hedge funds for the banks' own profit;
- Regulate Risky Derivatives - Dodd-Frank required that the riskiest derivatives, like credit default swaps, be regulated by the Securities Exchange Commission (SEC) or the Commodity Futures Trading Commission (CFTC);
- Bring Hedge Funds Trades Into the Light - Dodd-Frank says that hedge funds must register with the SEC and provide data about their trades and portfolios, so the SEC can assess overall market risk;
- Oversee Credit Rating Agencies - Dodd-Frank created an Office of Credit Ratings at the SEC to regulate credit ratings agencies like Moody's and Standard & Poor's;
- Increase Supervision of Insurance Companies -Dodd-Frank created a new Federal Insurance Office (FIO) under the Treasury Department, which identifies insurance companies like AIG that create risk to the entire system. It also gathers information about the insurance industry and make sure affordable insurance is available to minorities and other underserved communities; and
- Reform the Federal Reserve.⁴³

The Center applauds the Act for encouraging lenders to offer traditional fixed rate mortgages, expanding CRA to mortgage companies and credit unions, and better protecting low income and minority borrowers. That being said, Dodd-Frank and its CFPB did not achieve the establishment of a strong enough Consumer Financial Protection Agency. Fair housing advocates, including the National Community Reinvestment Coalition (NCRC) and the National Fair Housing Alliance (NFHA), are particularly disappointed that CRA coverage has been left primarily in the hands of the bank regulatory agencies. The bank regulatory agencies that existed prior to Dodd-Frank are the same ones that continue to regulate the vast majority of banks. Furthermore, in spite of calling the CFPB independent, the agency must receive various forms of cooperation from bank regulators when it issues rules and tries to enforce them. Housing CFPB in the Federal Reserve and having Federal Reserve oversight of its budget further entrenches CFPB in the regulatory agencies and works against its independence. The Center advocates for the strengthening of the CFPB and the regulation of the financial industry. In the meantime, the Center continues to refer complainants with consumer and related issues to the CFPB to file a complaint and seek assistance.

⁴³ <http://useconomy.about.com/library/SummaryDoddFrankAct.pdf>;
http://useconomy.about.com/library/Official_Dodd_Frank.pdf

Enforcement Activities

Enforcement Referral

Based on a review of the available evidence, the Toledo Fair Housing Center (TFHC) will determine whether to suggest to complainants that further enforcement activity occur and/or whether the agency will pursue enforcement action on its own behalf.

Enforcement referrals for complainants might be made to:

- The Ohio Civil Rights Commission (OCRC)
- The Department of Housing and Urban Development (HUD)
- The United States Department of Justice (DOJ)
- A private attorney and/or legal aid services for legal options such as filing a complaint in Common Pleas or federal district court, with or without the assistance of the TFHC's legal revolving fund
- TFHC's Staff Attorney for representation in fair housing-related matters

Referral Process – Considerations, Options, and Description

Before referral, TFHC will assess each case/allegation to ensure that the agency has gathered the appropriate information and that this information and all necessary documentation is contained in the case file, including up-to-date case notes. The employee to whom the case is assigned (i.e. the fair housing specialist, manager of systemic investigations, director of enforcement, etc.) will discuss all potential enforcement referrals with the Director of Enforcement /Outreach, the VP/COO/General Counsel, and the Staff Attorney/Senior Compliance Director and/or the President/CEO, where appropriate. Through this discussion, TFHC will make a decision regarding whether TFHC will provide one or more of the aforementioned enforcement referrals to a complainant, which of these options, if any, TFHC will suggest, and/or whether TFHC will recommend engaging in settlement negotiations, mediation, or arbitration in order to resolve the complaint(s) and seek a remedy for the complainant's alleged injuries. TFHC will also determine through its discussion whether sufficient evidence exists for TFHC to pursue enforcement action(s) on its own behalf. TFHC might pursue such enforcement action when this will serve to protect its mission from frustration and/or remedy other organizational injuries that occur as a result of the alleged discrimination. In making its decision concerning a TFHC enforcement action, the agency will consider the aforementioned factors. In the event that TFHC decides to undertake an enforcement action, TFHC is authorized to file a complaint with approval by the General Counsel to seek damages and other relief caused by discriminatory conduct.

If TFHC determines that it will assist a complainant in an enforcement action, the agency will provide the complainant with a letter and scope of services agreement detailing the activities that TFHC might perform on behalf of the complainant and/or the agency. If TFHC refers the complainant to the Staff Attorney, the Staff Attorney will provide a similar letter and retainer agreement detailing the nature and scope of the representation, which will also be limited to fair housing-related matters. In the event that TFHC refers a complainant to outside counsel wholly or in part, the attorney who represents the complainant will likely have similar documentation of his or her representation with which to provide the complainant. TFHC will explain to the

complainant why the agency is referring him or her to outside counsel and/or to avenues that do not involve the further direct participation in or direction of the investigation and enforcement action(s) by TFHC. The complainant will, of course, always continue to have and be informed of his or her right to choose his or her own legal representation and to make major decisions regarding his or her case. In any situation in which TFHC staff is acting as a complainant's fair housing advocate, the complainant can choose to ask that the respondent address communications relating to enforcement exclusively, or by copy, to the Toledo Fair Housing Center. In these situations, the enforcement staff member(s) should discuss the advocate issue thoroughly with the complainant and secure the complainant's signature on a scope of services and advocacy forms that will be used to advise the agency, attorney, and/or respondent of the complainant's request. If an advocacy form or retainer agreement is on file, TFHC should be actively involved in post-referral monitoring since TFHC might be involved in further investigation, communications about enforcement, and/or in settlement negotiations with or on behalf of the complainant.

TFHC staff should generally assist the complainant by explaining the enforcement process, the possible remedies that can be sought, and the time frame during which enforcement referral might occur. Each complainant makes the final choice regarding enforcement options and complaint resolution. If the complainant decides to seek enforcement and TFHC has decided to advocate for or represent the complainant, TFHC staff should provide further assistance by drafting a complaint on the appropriate form and by preparing a referral letter that will be mailed or faxed to the appropriate agency. A copy of the complaint form and letter as well as confirmation correspondence will be kept in the case file.

TFHC will refer most cases that it refers for enforcement to the OCRC because of the current referral relationship that the OCRC has with HUD. TFHC, however, will consider the type of case and HUD guidance in making its determination and refer the case accordingly.

TFHC can refer cases to HUD if they include allegations of systemic discrimination or if TFHC and/or the complainant is filing against a federally assisted housing provider and the case might involve claims under Section 504 of the 1973 Rehabilitation Act (disability) or race or national origin (Title VI of the 1964 Civil Rights Act) or other civil rights laws. TFHC might refer cases that require injunctive relief to OCRC or HUD, which will then take further action to determine whether and what type of injunctive relief is warranted. TFHC might refer cases in which the evidence strongly suggests that there is reason to believe that a person has engaged in a "pattern or practice" of discrimination or has engaged in discrimination against a group of persons that raises an issue of "general public importance" to DOJ. These cases can often also feature recent unresolved activity and circumstances that justify direct federal enforcement intervention. TFHC should consider litigation as a viable option for cases in which strong evidence of discrimination is present, other enforcement activity in the same or other jurisdictions on similar issues and/or facts has enjoyed successful outcomes, the case contains a novel or unresolved issue of law that legal counsel suggests could be developed, or other similar grounds for filing in court exist.

Of course, Toledo FHC could not effectively perform its activities in accordance with its mission without the dedication, cooperation, and supporting resources of its public and private partners. Most notably, the Center's programs and activities involve collaboration with the Office of Fair

Housing and Equal Opportunity (FHEO) of HUD and the Civil Rights Division of the DOJ on the federal level and the Ohio Civil Rights Commission (OCRC) on the state level.

The FHEO “administers federal laws and establishes national policies that make sure all Americans have equal access to the housing of their choice.” The FHEO’s specific tasks entail the implementation and enforcement of the Fair Housing Act and other civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, and the Architectural Barriers Act of 1968. Furthermore, the FHEO’s activities also include:

- Oversight of the Fair Housing Assistance Program, awarding and managing Fair Housing Initiatives Program grants, and advancing fair housing legislation;
- Collaboration on fair housing matters with other government agencies;
- Evaluating and providing feedback on Departmental clearances of proposed rules, handbooks, legislation, draft reports, and notices of funding availability for fair housing affairs;
- Interpreting policy, processing complaints, performing compliance reviews and offering technical assistance to local housing authorities and community development agencies regarding Section 3 of the Housing and Urban Development Act of 1968;
- Ensuring the enforcement of federal laws relating to the elimination of all forms of discrimination in HUD's employment practices;
- Conducting oversight of the Government-Sponsored Enterprises, Fannie Mae and Freddie Mac, to ensure consistency with the Fair Housing Act and the fair housing provisions of the Federal Housing Enterprises Financial Safety and Soundness Act; and
- Working with private industry, fair-housing and community advocates on the promotion of voluntary fair housing compliance.⁴⁴

As mentioned above, the Center also might pursue enforcement actions through the DOJ. The Housing and Civil Enforcement Section of the Civil Rights Division of the DOJ works to protect some of the most fundamental rights of individuals, including the right to access housing free from discrimination, the right to access credit on an equal basis, the right to patronize places of business that provide public accommodations, and the right to practice one’s faith free from discrimination. The Housing and Civil Enforcement Section enforces: The Fair Housing Act, which prohibits discrimination in housing; The Equal Credit Opportunity Act, which prohibits discrimination in credit; Title II of the Civil Rights Act of 1964, which prohibits discrimination in certain places of public accommodation, such as hotels, restaurants, nightclubs and theaters; the Religious Land Use and Institutionalized Persons Act, which prohibits local governments from adopting or enforcing land use regulations that discriminate against religious assemblies and institutions or which unjustifiably burden religious exercise; and the Servicemembers Civil Relief Act, which provides for the temporary suspension of judicial and administrative proceedings and civil protections in areas such as housing, credit and taxes for military personnel while they are on active duty. Under the Fair Housing Act, the Department of Justice may file a lawsuit when there is reason to believe that a person has engaged in a "pattern or practice" of

⁴⁴ Source: <http://www.hud.gov/offices/fheo/aboutfheo/aboutfheo.cfm>

discrimination or has engaged in discrimination against a group of persons that raises an issue of "general public importance." Often, the Department's lawsuits allege that a defendant has done both.⁴⁵

The Center also often files complaints with the Ohio Civil Rights Commission (OCRC) and/or helps to guide them through OCRC's administrative process. The Ohio Legislature established OCRC in July of 1959. The powers, duties, jurisdiction, practices and procedures of the Commission are specified in Chapter 4112 of the Ohio Revised Code. With Governor George Voinovich's signing of House Bill 321 into law in 1992, amendments to the classes of persons protected by the Ohio Fair Housing Law and a considerable expansion of the OCRC's enforcement powers transpired. In accordance with state and federal fair housing law, the OCRC carries out its charge "to receive, investigate, render formal determinations, and conciliate charges of unlawful discrimination in the areas of employment, housing, public accommodations, credit and institutions of higher education."⁴⁶ With regards to possible cases of discrimination, a description of the Commission's procedures along with a decision tree illustrating the overall process and possible outcomes are included below.

The primary function of The Ohio Civil Rights Commission is to enforce state laws against discrimination. OCRC receives and investigates charges of discrimination in employment, public accommodations, housing, credit and higher education on the bases of race, color, religion, sex, national origin, disability, age, ancestry, familial status, and/or military status. The Commission has statutory authority to:

- initiate investigations of discriminatory practices;
- formulate policies to effectuate the purposes of Section 4112 of the Ohio Revised Code, and make recommendations to agencies and offices of the state or local subdivisions of government to effectuate such policies;
- make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, national origin, handicap, age, ancestry, familial status or military status on the enjoyment of civil rights by persons within the state;
- receive progress reports from agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or any of its political subdivisions and their agencies, instrumentalities, institutions, boards, commissions, and other entities regarding affirmative action programs for the employment of persons against whom discrimination is prohibited;
- prepare a comprehensive educational program, in cooperation with the Ohio Department of Education, for the students of Ohio's public schools and for all other residents of Ohio that is designed to: eliminate prejudice on the bases of race, color, religion, sex, national origin, handicap, age, ancestry or familial status, further good will amongst those groups and emphasize the origin of prejudice against those groups and its harmful effects.

The Ohio Civil Rights Commission follows a proactive approach in education, training, and the dissemination of publications to better educate and inform Ohioans about their civil rights. The OCRC also has connections by contract or established relationship, with a variety of private,

⁴⁵ <http://www.justice.gov/crt/about/hce/>; http://www.justice.gov/crt/about/hce/housing_pattern.php

⁴⁶ Source: <http://crc.ohio.gov/history.htm>

state and federal organizations such as the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). The Civil Rights Section of the Attorney General's Office litigates discrimination cases on behalf of the Commission. However, the Attorney General's Office does not represent the person making the allegation of discrimination.

Anyone who lives or works in Ohio and feels he/she has been subjected to unlawful discrimination can file a charge with one of OCRC's regional offices, one of which is located in Toledo. Housing complaints must be filed within one year of the alleged act of discrimination, or the OCRC may self-initiate an investigation. OCRC must make a finding within one (1) year after the charge is filed. Self-initiation is limited to employment and housing cases and is usually the result of preliminary information indicating the presence of a pattern of discrimination within an entire system, or "systemic discrimination." OCRC does not charge any fees for its services.

Enforcement Proceedings:

When a charge is filed, the responsibility for the investigation is assigned to a Civil Rights Field Representative (investigator). During the investigation, the investigator will discuss allegations in detail with the Charging Party (person filing the charge) and will also contact the Respondent (the person(s) or company responsible for the alleged act of discrimination). Before any determination is made on the merits of a charge, each party may be offered voluntary mediation.

Mediation is a service provided through all of OCRC's regional offices and designed to offer both parties an opportunity reach a mutually satisfactory resolution. This service is advantageous because it is completely voluntary, highly confidential, fair and impartial, and a cost-effective and time-efficient process. Mediation at the OCRC is also a simple process. If both parties agree to mediate their case, a highly experienced and specially trained mediator from OCRC's 7-member mediation team will schedule mediation within thirty (30) days. Mediators are not judges or decision-makers, rather they are experienced, neutral third-parties. In the event that a settlement is agreed upon, it is binding upon both parties, and the case is resolved. However, if there is no agreement, the case goes back to investigation.

-The Charge

Charges of discrimination may be filed by:

- Any person who is directly affected by any alleged discriminatory act
- Any person who has knowledge of, or interest in, any alleged discriminatory act
- The Commission itself

The charge may include allegations of pattern or practice (systemic) discrimination, or multiple issues and jurisdictional bases. Parties against whom a charge has been filed should note that the Commission's procedure is an impartial administrative procedure, not a civil or criminal procedure.

-The Investigation

During the investigation, representatives of the Commission may:

- Interview the respondent and other witnesses
- Have access to pertinent records and documents, and review them
- Make an on-site inspection of the respondent's facilities and operations

Specifically, the Commission has the authority to demand access to records, premises, documents, evidence or possible sources of evidence as well as the jurisdiction to record testimony or statements from individuals. Further, the agency has the right to issue Subpoenas, Interrogatories, Cease and Desist Orders, to hold Public Hearings, and to collect monetary benefits.

The respondent is given every opportunity to ask questions, provide information, and suggest witnesses. At any point in the procedure the respondent may initiate a voluntary settlement of the charges and negotiate the terms of settlement with the Charging Party and the Investigator. Although records and witnesses can be subpoenaed by the Commission, it is preferable to work together without using such legal measures.

The law prohibits the respondent from taking any adverse action against a person merely because he or she has filed a charge with the Commission, made a complaint about alleged discrimination, testified or participated in any proceeding before the Commission, or opposed any practice forbidden by the Ohio Laws against Discrimination.

Post-investigation procedures-

When the investigator has accumulated enough evidence to support a recommendation, it will be reviewed with the party filing the charge. Generally speaking, the recommendation will be either one of **NO PROBABLE CAUSE**, or **PROBABLE CAUSE**. This recommendation will then be submitted, in written form, first to the Investigator's supervisor, then to the Regional Director, and finally to the Commissioners, who must approve the report before it becomes the official finding of the Commission. Commissioners serve as the final arbiter in the investigatory process and meet regularly to rule on recommendations from the OCRC's six regional offices regarding charges of discrimination.

When the preponderance of evidence obtained during the course of the investigation is insufficient to substantiate the charge of discrimination, the Commission must make a finding that the occurrence of a violation of law is **NOT PROBABLE**. The Commission will then dismiss the charge with a finding of **NO PROBABLE CAUSE**.

When the preponderance of evidence is sufficient to substantiate that discrimination has transpired, the investigator will recommend that the Commission rule that it is **PROBABLE** that a violation of the law has occurred, or make a **PROBABLE CAUSE** finding.

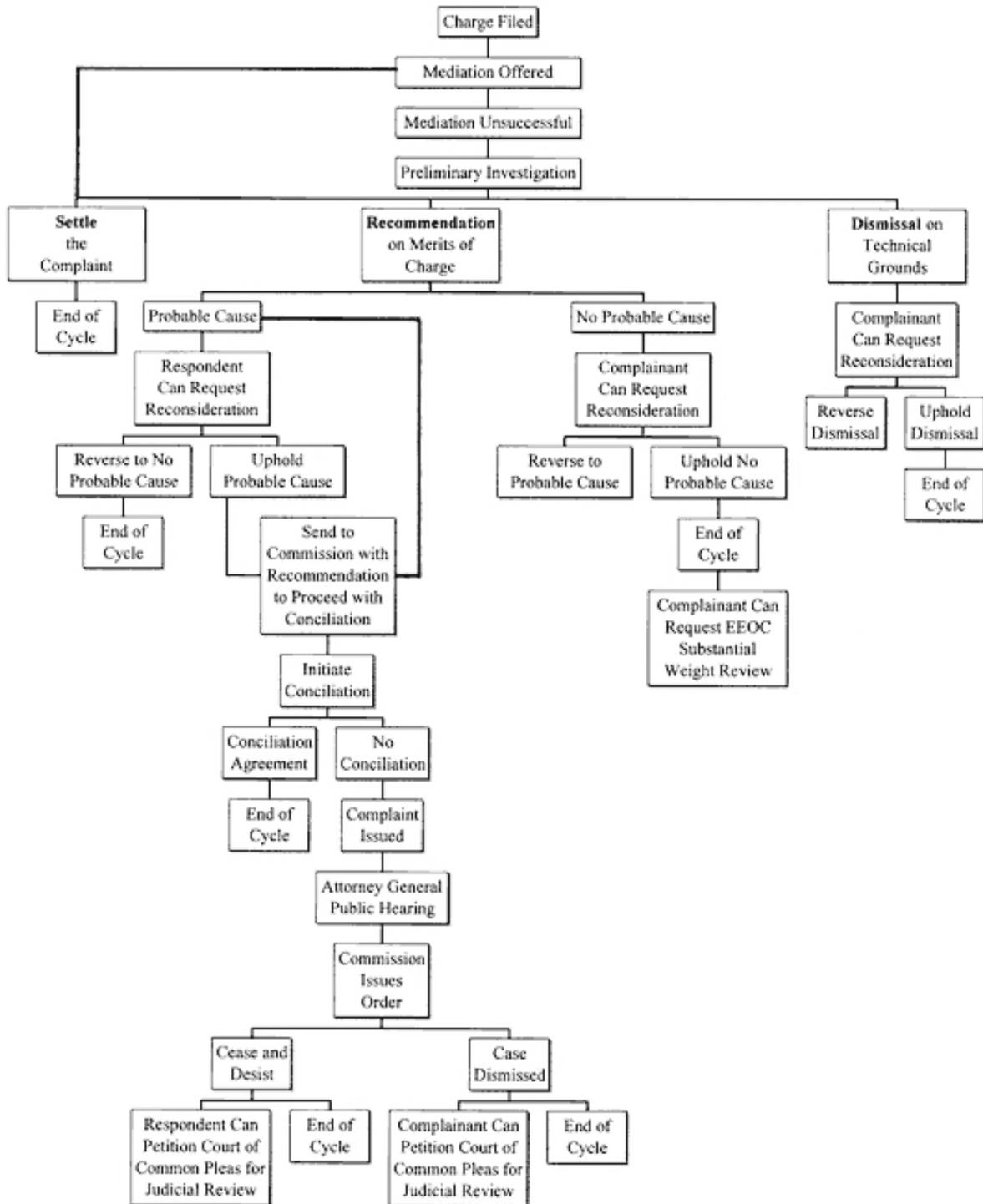
Once the Commission issues its formal **Letter of Determination** concerning the charge, which is sent to both parties, each party has the right to ask the members of the Commission to

reconsider its decision. The **Letter of Determination** contains a form explaining the method for making this request. This request for reconsideration must be submitted in writing within ten (10) days of the date on the **Letter of Determination**. Each side to a charge of discrimination is entitled to only one request for reconsideration, and no one has the authority to extend the deadline or grant any party an exception to these rules. The commission also may, upon its own motion, reconsider any determination. If the commission reconsiders a determination on its own motion, it shall record its action accordingly and notify the parties.

If the OCRC receives either party's request for reconsideration within the time allotted, the Commissioners will review the request and the case file to decide whether or not to grant the request. If the Commissioners vote to grant the request, the case will be returned to the regional office for further investigation. If the Commissioners vote to deny the request, no further action will be taken.

If the Commission determines the occurrence of discrimination to be probable after investigating the charges, it must attempt to negotiate a settlement of the matter by informal methods of conference, conciliation, and persuasion. If a settlement is possible, the Commission will discuss the terms being offered by the Respondent with the party filing the charge; this party must agree to them before they can be accepted. If both parties agree, they are asked to sign an agreement showing that they accept the offer and understand that the matter has been satisfactorily settled (i.e. a Conciliation Agreement). At this time, the Conciliator will explain to the party filing the charge the types of remedies available (as well as those that are not) through the Commission. If the Conciliator determines, conversely, that settlement is not possible, he or she will inform the Commission that conciliation efforts have failed and request that the Commission issue a **FORMAL COMPLAINT AND NOTICE OF PUBLIC HEARING**.

**OHIO CIVIL RIGHTS COMMISSION
COMPLAINT PROCEDURE**



Senate Bill 349 and Legislative Attempts to Impede Fair Housing Enforcement

At the same time the nation was celebrating the 50th anniversary of the passage of the landmark Civil Rights Act, a senate bill that protects discrimination was quietly hunting for co-sponsors. The irony of the introduction of SB 349 by Sen. Bill Seitz (R-Cincinnati) in late June was not lost on advocates representing fair housing, legal aid and disability rights groups — all of whom denounced the bill as an attack on civil rights and an erosion of strong fair housing laws in Ohio.

Among other regressive measures, the bill would lower the penalties for housing discrimination and damage the important safeguards provided by the Ohio Civil Rights Commission (OCRC). Ohio residents would either need to use the administrative process provided on the federal level through the U.S. Department of Housing and Urban Development (HUD) or be forced to use attorneys to sue violators in state court. Additionally, Ohio law would no longer be “substantially equivalent” to federal law, thus ending substantial HUD funding to our state.⁴⁷

A summary of the bill follows: To amend sections 4112.02 and 4112.05 of the Revised Code to make permissive actual damages and attorney's fees, to limit certain punitive damages, to allow respondents to recover attorney's fees in certain instances, to prohibit actual or punitive damages from being awarded to a fair housing agency, and to exempt certain landlords from the housing provisions of the Ohio Civil Rights Law.⁴⁸

Specifically, the bill:

- Sets up conflict between state and federal fair housing law, thereby stripping Ohio of the approximately \$1 million that HUD annually provides to the OCRC to investigate discrimination cases. The housing law conflict would prohibit the OCRC from accessing Fair Housing Assistance Program (FHAP) dollars that support complaint processing, enforcement activities, training and other projects.
- Diminishes the consequences of discrimination by lowering and capping the punitive damages that landlords found guilty of flagrant discrimination would have to pay.
- Discourages victims of housing discrimination from filing a complaint to protect their rights by making them liable for the attorney's fees of the party they accuse of discrimination if there is not enough evidence to prove their case.
- Reduces legal challenges to discrimination by prohibiting state or local fair housing agencies from collecting actual or punitive damages.
- Renders the OCRC unable to punish housing discrimination and forces cases into the more expensive and complex courts process.
- Superficially mirrors some portions of federal law while gutting Ohio's current protections from housing discrimination.

Both HUD and OCRC reviewed and analyzed the bill, and both expressed their concerns about the bill's implications for fair housing rights and for Ohio's substantial equivalency. Fair housing organizations and advocates from across the state formed a coalition to oppose the bill. They

⁴⁷ <http://fight349.org/index.php>

⁴⁸ <https://legiscan.com/OH/bill/SB349/2013>

created a website and engaged in social media and press activities in order to get out the message about the bill and its potential negative effects. The bill died in committee, but this is not the last that Ohio is likely to see of such legislation. Other states' legislatures have introduced similar bills, and the messages that the supporters of such bills convey are ones that express common, conservative political views.

Fair housing groups in Ohio and across the nation will continue to be vigilant and ready to actively oppose any such efforts to eviscerate fair housing enforcement.

New Protected Classes:

Governor Strickland signed into law the "Ohio Veterans Package" (Substitute House Bill 372) on December 20, 2007, which officially went into effect on March 24, 2008. With the enactment of the new law, Ohio Revised Code Chapter 4112 underwent amendments to include "military status" as a protected class.

The Ohio Revised Code describes "military status" in Sections 4112.01 and 5923.05. As provided therein, "Military status" means a person's status in "service in the uniformed services" (4112.05.A.22). Additionally, "service in the uniformed services" is defined as

the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division [5923.05(A)(2)(e)].

"Uniformed Services" also consist of "the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency" [5923.05(A)(2)(f)].

The 2008 amendments expanded protections on the state level that previously existed more narrowly on the federal level. By including "military status" as a protected class in Chapter 4112 (entitled "Civil Rights Commission"), allegations and the corresponding investigations regarding such matters fall under the authority of the Ohio Civil Rights Commission, making resolution more accessible.

Just as employers have been required to edit all policies and posters communicating EEO (Equal Employment Opportunity) and discrimination matters, fair housing information should ensure that it contains "military status" as a protected class. Since the last AI, the Center, the City of Toledo, and the OCRC have all updated their respective materials and codes to reflect the change on the state level. The Ohio Civil Rights Commission now incorporates "military status" as a protected class in the list of protected classes on its website (e.g., "About Us" section). Similarly,

the Toledo Municipal Code now features “familial status” and “military status” as protected classes. The Center has also updated its new materials and website to include “military status.” These changes are especially important to note because the omission of a protected class in City ordinances or communications provided by the state agency responsible for enforcement poses rather significant cause for concern. Not only may those seeking to gain a better understanding of their rights and responsibilities under the law be misled, but state and local agencies and governments must ensure consistency with federal law. The concerns that existed with regard to these issues in the last AI, fortunately, have been successfully addressed.

Responsibilities of Public Housing Authorities:

As part of the Annual Plan (24 CFR Part 903.2(d)(2)), the PHA should take affirmative action to overcome the effects of conditions which resulted in limiting participation of persons because of their race, national origin or other prohibited bases. Such affirmative action may include, but is not limited to appropriate affirmative marketing efforts. The following are examples of affirmative marketing efforts:

- Marketing materials should support an affirmative advertising and marketing program that is consistent with the Fair Housing Act guidance on wording, logo, size of type, etc., and Section 504 (24 CFR 8.54).
- Using the Equal Housing Opportunity slogan: “Equal Housing Opportunity in accordance to regulations.” Also, HUD requires PHAs to display the Fair Housing Poster at public housing developments, in any rental office, and other locations (24 CFR 110).
- Advertising in print and electronic media that are used, viewed or listed by those identified as the population that is less likely to apply.
- Developing brochures or other information material that describes the housing units, application process, waiting list, screening criteria, and preference structure accurately.
- Marketing should use clear and easy to understand terms and, if appropriate, provide translation of written materials or interpretations to facilitate education and outreach to the limited English proficiency population (Executive Order 13166).
- It is the responsibility of the PHA to have a written policy in its Admissions and Continued Occupancy Policy (ACOP) (and thus its Annual Plan) that explains how one would request a reasonable accommodation, how it will be processed, and one’s options if the request is denied, including use of the grievance procedure.⁴⁹

*Note: It is the duty of the PHAs to conduct an analysis of impediments to fair housing choice.

⁴⁹ Source: HUD Public Housing Occupancy Guidebook, accessible at <<http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebooknew.pdf>>

FAIR HOUSING COMPLAINT INFORMATION

The Toledo Fair Housing Center receives the greatest quantity of fair housing complaints that consumers in the Toledo market make. HUD and/or the Ohio Civil Rights Commission are other major recipients of complaints by those who allege the occurrence of housing discrimination. The Center, as a non-profit, community-based organization, most often serves as the initial stop for consumers who feel their rights have been violated. The Center, upon receiving a complaint, commences an investigation, which may involve interviewing witnesses, testing, conducting research, completing a site visit, and/or coordinating with other organizations, among other activities. The Center's investigation can usually either provide substantiating evidence that the consumer's rights have been violated or supply evidence that eliminates the probability that a discriminatory act has taken place. When evidence substantiates a claim, the Center can then assist consumers in forwarding their complaints to an enforcement agency such as HUD or the Ohio Civil Rights Commission.

Consumers always have the right to directly file their complaints with HUD or the Ohio Civil Rights Commission. HUD and the Ohio Civil Rights Commission have a Memorandum of Understanding regarding the enforcement of the Fair Housing Act. When consumers file complaints with HUD, those complaints are automatically referred to the OCRC unless HUD retains jurisdiction and/or determines that the OCRC is not substantially equivalent to HUD in its ability to investigate fair housing complaints and enforce fair housing law.

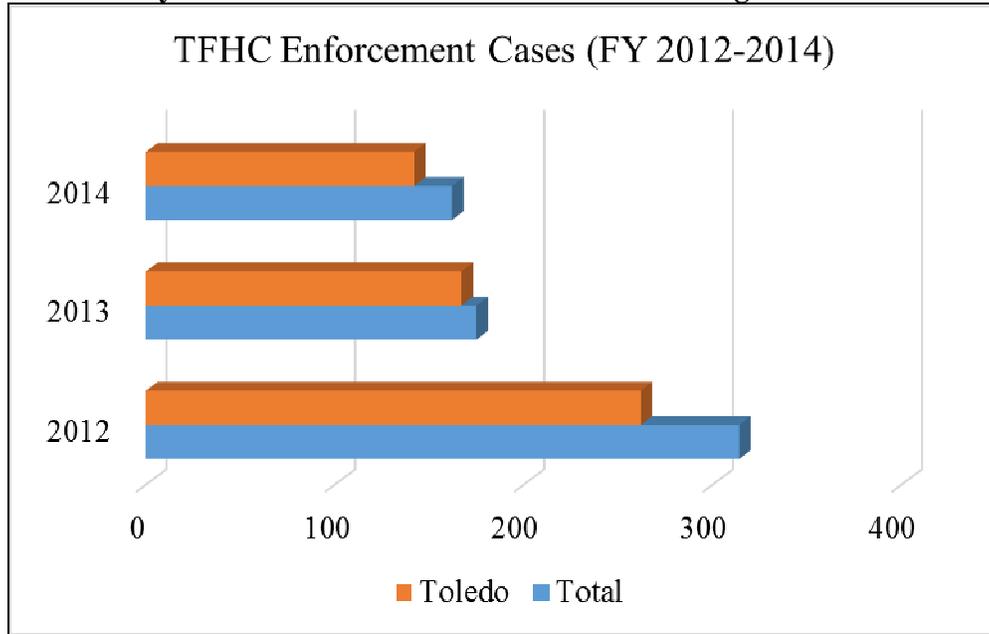
From July 1, 2007 to June 30, 2008 the OCRC handled and closed 473 complaints of housing discrimination throughout Ohio. Of these, 51 were processed through the Toledo regional office, with 42 originating in Lucas County. From July 1, 2008 through March 1, 2009, the OCRC addressed 318 complaints in Ohio; the Toledo regional office attended to 25 of these cases, 16 of which arose in Lucas County.⁵⁰

The Toledo Fair Housing Center reports having opened 314 total cases alleging discrimination during the 2012 fiscal year (i.e. July 1, 2011 – June 30, 2012), 175 in the 2013 fiscal year, and 162 in the 2014 fiscal year.

The Center has implemented an intake system for its service area (Lucas and Wood counties). The vast majority of complaints the Center receives involve residents of the City of Toledo and/or others who are seeking housing in the City of Toledo. However, a substantial number also involve persons seeking housing in suburban communities. The chart below illustrates the Center's overall caseload for the City of Toledo for the corresponding years (complaints outside of the city proper have been removed from these figures).

⁵⁰ The Center contacted OCRC and attempted to get this data for the past three to five years, but the OCRC never fulfilled the Center's data request.

**Toledo Fair Housing Center Enforcement Case Volume,
City of Toledo and Total for Fiscal Years ending 2012-2014**



All Cases by type Fiscal Years ending 2012-2014 (“Lending” and “Predatory Lending” cases include foreclosure prevention cases)

Type	Quantity
Rental	269
Sales	50
Lending	946
Insurance	51
Appraisal	3
Predatory Lending	316
Harassment	7
Zoning	6
Public Accommodation	1
Retaliation	2
Design and Construction	42
Total	1693

Rental constituted the highest volume of enforcement-only cases, followed by insurance and sales. The overall volume of enforcement-only cases has decreased in the past few years due largely to HUD's and the Center's own emphasis on conducting and developing systemic investigations, focusing time and resources on cases for which robust evidence exists or can be acquired, and delivering high-quality customer service. The steep increase in cases observable in the years between the 2007-08 and 2011-2012 fiscal years was mainly attributable to the substantial quantity of non-enforcement cases that the Center included in its total case count among its "lending" and "predatory lending" types of cases. This was due to the Center's efforts in foreclosure prevention and emergency mortgage assistance, including loan modifications. The Center has since modified its record-keeping practices in its new case management database and has far fewer of these cases due to the ending of such programs' funding.

The Center has focused many of its outreach and enforcement efforts on the City of Toledo, primarily because of funding and grant-related considerations and because it is the major metropolitan area in the MSA and in the Center's service area. A significant amount of the funding that the Center receives for outreach and enforcement activities are for those that target the City of Toledo. This, partially, accounts for the higher volume of cases generated within Toledo and initiated by residents of the City, which comprise the majority of the cases that the Center investigates.

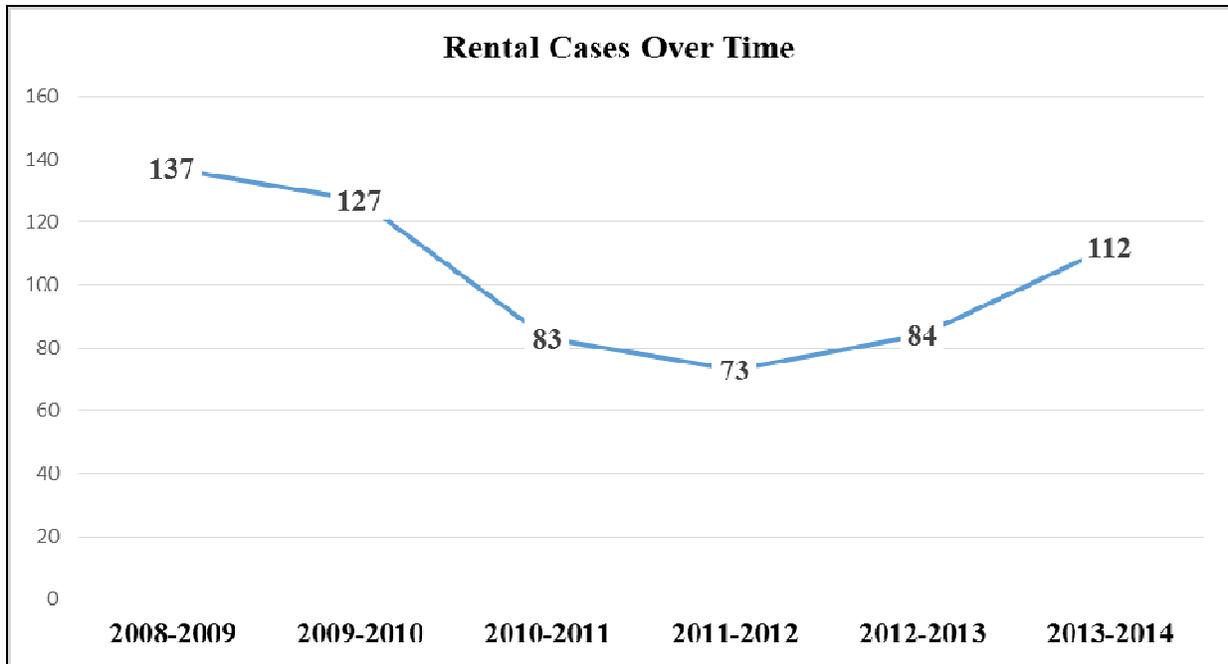
According to the Center's data, the largest number of enforcement-only cases stem from allegations of discrimination in the rental market. This pattern has been consistent from year to year. Historically, the Center has received the largest number of complaints involving rental discrimination. One exception was the 2003 year, when the Center launched a large anti-predatory lending campaign. That year, the largest basis of allegations involved predatory lending. Between the 2005-06 fiscal year and the 2007-08 fiscal year the number of predatory lending complaints filed nearly tripled, very rapidly coming to comprise the greatest proportion of all cases. Following the housing crisis, the Center handled many cases related to foreclosure prevention. Nevertheless, for the past several years, rental cases have dominated the Center's enforcement cases.

Type	2011-2012	2012-2013	2013-2014
Appraisal	0	0	3
D&C	0	42	0
Harassment	1	4	2
Insurance	9	21	21
Lending	366	328	252
Pred Lending	220	65	31
Public Accommodation	1	0	0
Rental	73	84	112
Retaliation	1	1	0
Sales	9	23	18
Tax Only	88	0	0
Zoning	0	0	6
Total	768	568	445

While the Center has done more work to eliminate barriers in the rental market, rental complaints still remain the largest complaint type. Every year, a significant portion of the Center’s case load involves discrimination complaints in the rental market. This holds true for the Ohio Civil Rights Commission and HUD as well. Both the OCRC and HUD receive the greatest number of housing discrimination complaints alleging problems in the rental market.

Many of the complaints involve small, independently owned developments. Typically, while landlords have heard of “fair housing,” they have never received fair housing training and, thus, are not adequately aware of or simply ignore their obligation to conduct business in a fair and equitable manner. Additionally, unlike the lending, insurance, and real estate industries, landlords do not have to be licensed in order to operate and do not have to comply with certain continuing education requirements to remain in operation. While real estate agents have to go through training that includes fair housing and civil rights instruction in order to obtain a license to sell real estate, for instance, no such courses are required for landlords or rental housing managers. They also do not come under the jurisdiction of any regulatory agency. Therefore, the rental industry is not as standardized or regulated as the lending, insurance, or real estate industries.

In its Housing Discrimination Study, the Department of Housing and Urban Development conservatively estimated that African-Americans and Hispanics encounter discrimination in over 25% of their attempts to seek the rental of a housing unit. This estimation is based upon testing research conducted in 20 cities across the United States. In 2012, HUD conducted investigations and produced a report entitled *Housing Discrimination against Racial and Ethnic Minorities* that focused on the rental and sale of housing and found that discrimination in both of these areas, unfortunately, continues and is observable through fair housing testing and other means.



The Center has uncovered the following impediments in the rental market:

- Landlords and managers are not required to obtain a license to practice and therefore, are not required to receive fair housing training;
- Managers use answering machines as a pre-screening device. Calls with certain phone number prefixes or calls from persons with certain racially identifiable voices or surnames are not returned;
- Managers use coding devices on applications to tag unwanted prospects;
- Managers tell unwanted applicants that it is not necessary for them to fully complete the rental application and later use the incomplete application as grounds for denial;
- Housing providers advertise in preferential ways, using discriminatory language and selective placement of ads;
- Landlords occasionally use sexual harassment or quid pro quo for rent;
- A person can be discriminated against based on his or her source of income. Landlords currently can deny someone if he or she is unemployed, is on SSI/SSD, and/or is utilizing a housing voucher to pay rent. A person may have a stable source of money, but such finances may not be from employment;
- Credit rating criteria is applied differently depending on the applicant;
- Managers attempt to uncover testing activity by requiring that applicants bring drivers licenses for photocopying. Some managers actually take pictures of potential applicants using a Polaroid camera;
- Managers segregate apartment complexes and mobile home parks by race and familial status;
- Managers provide a different standard of treatment for undesired applicants by not making repairs in a timely fashion, charging different rental rates, or imposing different rules and conditions;

- Discrimination based on familial status and mental disability is especially prevalent; landlords have refused to rent to families with children and to accommodate those with mental illness.
- Managers use waiting lists to thwart unwanted applicants;
- Managers fail to respond to or respond negatively to requests for reasonable accommodations or modifications; and
- Managers fail to enforce quiet use and enjoyment provisions or other lease and house rules when harassment based upon protected class membership is transpiring.

Eliminating discrimination in the rental market is critical since so many people rely on rental housing. According to the 2013 ACS Three-Year Estimates, approximately 46.2% of the occupied housing units are renter-occupied, as compared to the 41.3% of occupied units that were renter-occupied according to the 2008 American Community Survey One-Year Estimates. Rental housing is the only option for many residents, especially with the tightened lending criteria following the housing crisis and economic crash.

Historically, lending was the second largest basis of complaints. These complaints tended to involve redlining practices through which lenders would exclude or deny borrowers based on a protected class status. As the maps in the lending section of this study demonstrate, the failure of financial institutions to serve predominantly minority neighborhoods persists as a major fair housing issue in Toledo. Following the housing crisis, the Center's greatest number of cases arose as a result of lending issues. These lending complaints originated from abusive lending practices by lenders that were targeting certain protected classes for predatory loans.

During the late 1990's and continuing to the 2006-07 fiscal year, the third largest basis of discrimination complaints involved insurance discrimination and redlining. Although the proliferation of lending issues around the time of the housing crisis and the myriad issues that have arisen in the rental market since may appear to overshadow the frequency of insurance complaints, the Center still handles cases involving allegations of discrimination in the insurance market. Insurance complaints arising from both individuals and neighborhoods as well as those that the Center uncovers through its own testing and research, therefore, are still essential to address. Individual complaint issues consist of non-systemic problems and involve an individual homeowner who is unable to secure homeowners insurance based on membership in a protected class. When neighborhoods file complaints, on the other hand, they generally involve redlining issues and are systemic in nature. Many allegations have disputed insurers' overly restrictive underwriting guidelines and policies. These typically establish limitations on the age of the housing as well as on the market value of the properties that are eligible for coverage. The employment of age and/or market value criterion to determine qualification tends to exclude predominantly minority communities, many of which exist throughout the City of Toledo.

These types of underwriting guidelines also have a disparate impact on certain protected classes. As a result of these restrictions, homeowners in central city neighborhoods must often either go without insurance, as it is simply unavailable, or settle for inferior policies with fewer protections since insurance companies are not willing to extend more comprehensive coverage. This, of course, has a devastating effect on the neighborhood whenever a loss is experienced. If a homeowner does not have adequate insurance coverage and files a complaint following a loss,

the homeowner will not be fully indemnified, and the loss will only be partially covered. This means that, unless the homeowner has disposable funds available to make the repairs, he or she will either leave the house in disrepair or will make repairs using inferior materials and techniques.

The Center has been successful in convincing several large homeowners' insurance providers to eliminate these restrictive policies. However, companies that continue to employ these restrictive policies remain. Moreover, the Center has included assistance with reinstating hazard insurance as part of its MLK Inclusive Communities Program.

In fact, the Center has engaged in legal proceedings involving major insurers such as Prudential Insurance Company and American Family Insurance concerning the companies' use of these policies in the Toledo market. The Center settled one of these cases prior to the commencement of a trial, as the court denied the insurance company's motion to dismiss the case. The court additionally held that the Fair Housing Group plaintiffs had adequately alleged their standing to sue and agreed that the Fair Housing Act covers homeowners insurance. The court also stated that disparate impact claims, even those relating to insurance, are cognizable under the FHA. Whether or not these disparate impact claims will remain cognizable under the FHA will depend upon the Supreme Court's ruling on the issue, which is expected to come in the summer of 2015.

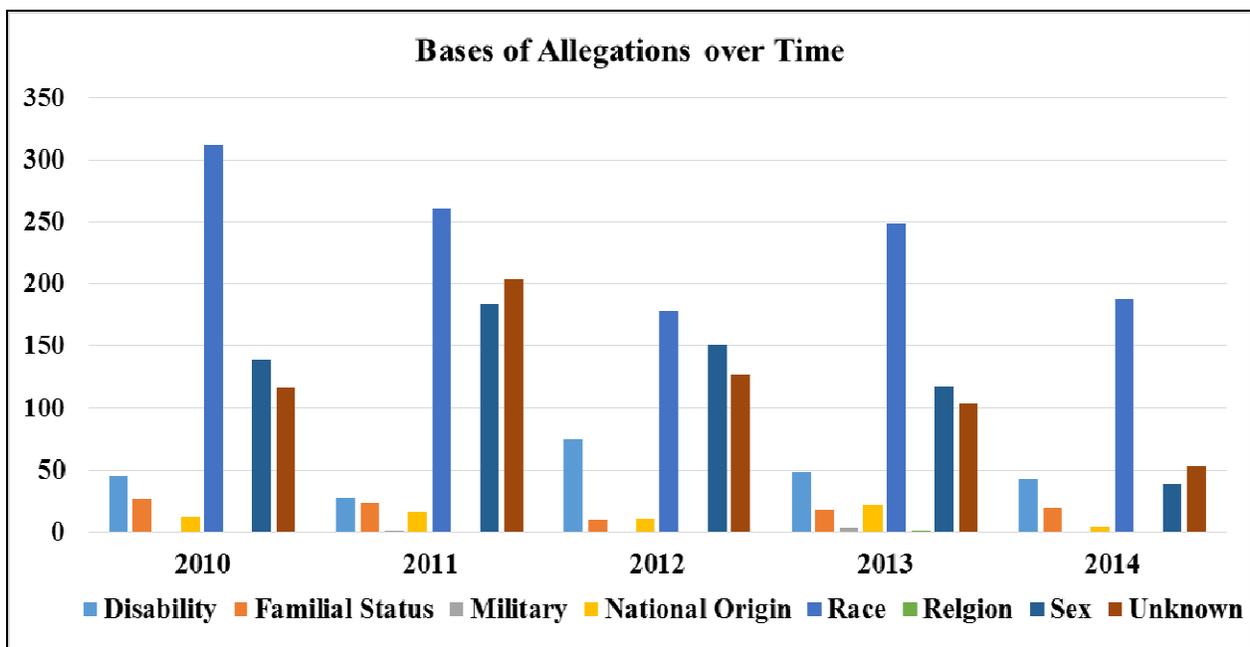
In some cases, insurance companies desiring to defend their use of discriminatory policies make reference to "moral hazard" issues when the Center raises concerns regarding the legality of their practices. The "moral hazard" theory contends that if an insurer "over-insures" a consumer, the respective consumer will have an incentive to commit fraud to reap the insurance benefits. In the context of homeowners' insurance, the argument alleges that if an insurer provides replacement cost insurance coverage for a consumer and the replacement cost of the home is higher than the market value of the home, the homeowner will have an incentive to burn down his or her home to reap the insurance coverage. For instance, a consumer in the central city may purchase a home with a market value of \$60,000 that actually costs \$120,000 to rebuild. An insurer that provides a replacement cost insurance policy to this consumer of \$120,000 would allegedly be giving the homeowner an incentive to destroy the home in order to recoup the \$120,000 policy value.

The Center and its partners across the country have vehemently contested the theory of "moral hazard" as it relates to homeowners' insurance since no evidence has been provided that this theory actually occurs in practice. Furthermore, virtually all homeowners' insurance companies require, as part of their replacement cost policies, that consumers rebuild in the same location, thereby eliminating the incentive for the homeowner to "take the money and run." Indeed, the Center even observes that a significant number of insurance companies have renounced their belief in the "moral hazard" theory regarding homeowners and disposed of the aforementioned restrictive guidelines. These insurance companies have provided full replacement coverage to any homeowner who so desires it. As expected, these companies have neither experienced a profusion of homeowners torching or destroying their homes to collect insurance payments, nor an increased level of fraud due to their elimination of restrictive and prohibitive policies.

Even though some aspects of the insurance problem have been addressed quite effectively, the Toledo Fair Housing Center has received a number of complaints involving new allegations of insurance discrimination. In addition to using the age of a property to deny coverage, many insurance companies are also employing extremely burdensome property inspections for the same purpose or only conducting on-site inspections for homes in certain communities (i.e. generally those that are in predominantly minority communities or possess certain characteristics such as low market value or heightened age) or for potential insurance consumers who are members of certain protected classes. Furthermore, many insurance companies utilize credit-based risk ratings to determine both the cost of the coverage and whether or not they will even provide insurance to a prospective customer. Obtaining an accurate insurance quote without the provision of a social security number (for the purpose of obtaining a consumer’s credit information) is nearly impossible. The Center is concerned that this practice has a discriminatory effect on some protected classes. For instance, reports have been published that reveal credit scores to be much lower for African-Americans and Latinos, as compared to Caucasians.⁵¹

The Center also receives complaints pertaining to the processing of claims and the treatment of policyholders. These complaints allege that insurers are either not responsive or make attempts to lessen the value of the loss to consumers who live in primarily African-American neighborhoods.

A significant number of the complaints arising in Toledo are filed by residents who claim that they have suffered racial discrimination. As the section regarding demographic trends explains, the greatest percentage of African Americans resides within the municipal boundaries of Toledo. Although racial complaints are no longer the most frequent on the national or local level, they remain the second most common basis of alleged housing discrimination.



⁵¹ For an example, see: <http://fic.wharton.upenn.edu/fic/lacourpaper.pdf> and associated references.

The prevalence of allegations on the basis of race has been a historically recurrent trend, and, as demonstrated, race continues to outpace the other categories of total cases the Center receives although disability has recently surpassed race as the most frequent basis of alleged housing discrimination that the Center receives (i.e. enforcement-only cases). The types of allegations filed are diverse, including problems in the rental market, instances of sales discrimination, and abuses resulting from predatory lending practices, among others. While race is the second largest basis for allegations of discrimination throughout the Center's service area, complaints alleging racial discrimination seldom originate from residents in outlying jurisdictions. Nevertheless, African-American and Hispanic residents of Toledo are known to encounter racial and national origin discrimination and even harassment when attempting to move into suburban areas.

For example, the Center previously assisted an African-American family who attempted to move to the City of Oregon with a housing choice (Section 8) voucher. Upon arriving in the community and for over a year following the move, the single mother and her children experienced extremely disturbing forms of racial harassment and bullying from neighbors and a disappointing lack of responsiveness on the part of the landlord, police, and school officials. The Center's investigation has led to the filing of several administrative complaints.

Disability discrimination in the housing arena had generally been the second largest basis of complaints. This was true for the northwest Ohio region until recently, during which time allegations on this basis became the most frequent. Nevertheless, disability complaints were less frequent than those of other protected classes for fiscal years 2007-08 and 2008-09, making them the third greatest source of allegations for the overall 5-year time period of FY2004-05 through FY 2008-09 (including lending allegations). The preponderance of disability discrimination cases is hardly surprising since disability has been the primary basis of complaints on the national level for over five years. HUD, the entity mandated to enforce the Fair Housing Act, receives the largest number of complaints alleging disability discrimination and the second largest number of complaints alleging racial discrimination.

When non-enforcement only cases are included, the second most substantial basis for housing discrimination complaints is sex or gender. By far, women file more sex discrimination complaints than men. Women tend to encounter problems with being sexually harassed when renting apartments. They also tend to encounter denial or discouragement when seeking mortgage loans, and they are targeted more than men for predatory loans. It is also more difficult for women to secure housing as composition of their income is generally more diverse than that of men. Women are more likely to receive income from multiple sources such as employment, child support, alimony, and childcare benefits. For many women, this can complicate the process through which housing providers and lenders traditionally attempt to verify applicant income.

Familial status and national origin are the next most prevalent bases on which the Center opens cases (after disability for all cases, including non-enforcement only cases). Cases with an "unknown basis," however, comprised the third largest basis type for all cases. Cases of an "unknown basis" tend to be the cases that the Center handles through its foreclosure prevention work, which do not necessarily contain an allegation of discrimination.

The absence of complaints filed on the basis of age, sexual orientation, or military status over the five-year period is also interesting to note. Certainly, one cannot assume that merely because no allegations were filed regarding these protected classes, no such discrimination occurs in the Toledo area. What such numbers may, in fact, signal is that the Center and its partners must bring about a greater awareness and understanding of the Fair Housing Act. After all, if citizens do not know that the law and enforcement agencies possess specific powers to protect them from discrimination, they are, most likely, also unaware of their ability to file a complaint on such a basis.

Moreover, that only one other basis of allegation has out-numbered race is still striking. Race was the number one issue over 30 years ago when the Fair Housing Act was passed, and race remains one of the foremost fair housing issues today for Toledo. Of course, this only suggests the extent of the work that remains for all organizations and communities that aim to achieve equal access to housing of their choice for all people.