

Stark County Fair Housing Department

Division of Stark County Regional Planning Commission



Fair Housing Newsletter

December 2022 – March 2023

A Quarterly Insight into Housing Discrimination

Are You a **Victim of** **HOUSING** **DISCRIMINATION?**



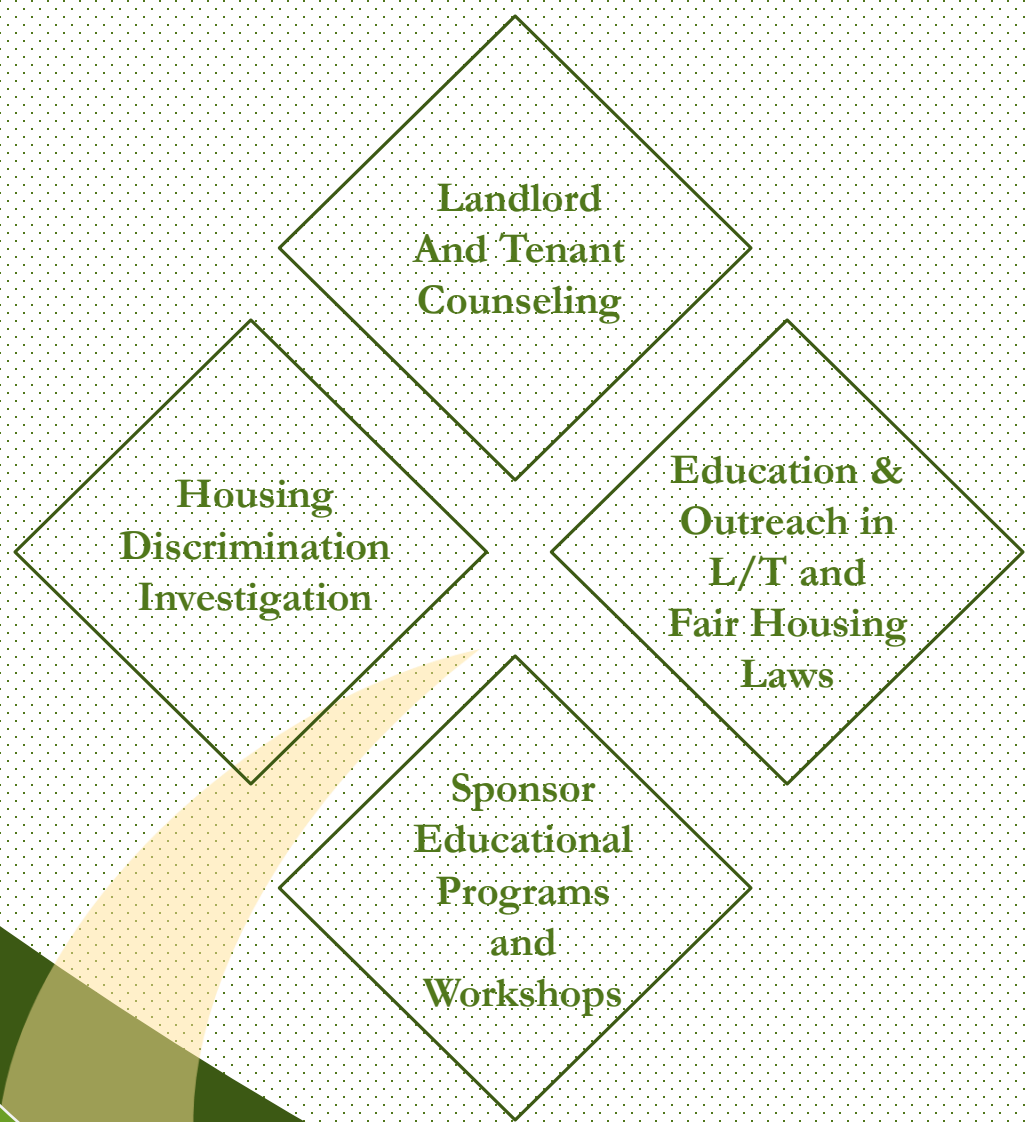
FAIR HOUSING
is YOUR RIGHT!

If you have been denied your housing rights...you may have experienced unlawful discrimination.



HOUSING DISCRIMINATION IS ILLEGAL!

OUR SERVICES



Stark County
Fair Housing Department



Housing Discrimination is Illegal!

The Fair Housing Act prohibits discrimination on the basis of race, color, religion, sex (which can include sexual harassment, sexual orientation and gender identity), national origin, disability and family status. The law protects individuals in all housing-related transactions, including obtaining loans, purchasing insurance, appraisals, advertising, zoning, land use and renting or buying a home.

According to research, more than 4 million fair housing violations occur each year in the rental market alone. If you think you have been discriminated against by a landlord, property manager, Realtor, mortgage loan officer or other housing provider, call Stark County Fair Housing at 330-451-7775.

What is Discriminatory?

- ❖ Rules against children
- ❖ Steering to certain floors, buildings or neighborhoods
- ❖ Sexual harassment
- ❖ Refusing to make reasonable accommodations for persons with disabilities
- ❖ Denying reasonable modification requests
- ❖ Offering different terms or conditions in the sale or rental of housing
- ❖ Utilizing zoning or land use regulations or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons



What is Discriminatory?



- ❖ Falsely deny that housing is available, when in fact it is
- ❖ Using overbroad criminal history-related bans
- ❖ Taking action against, or deny a permit for a home because of the disability of individuals who live or would live there
- ❖ Advertising by using words or pictures which have the effect of discouraging a diverse community

HUD OFFERS NEW GUIDANCE ON REDUCING DISCRIMINATION

DUE TO CRIMINAL BACKGROUND SCREENINGS

Finding decent and affordable housing today is not an easy task. When it comes to those who have a criminal record, rental housing can be even more difficult to locate. For people of color, specifically Black and Hispanic Americans with criminal records, the barriers to locating housing are experienced at disproportionate rates. These barriers are largely due to criminal background screening processes that are often unreasonably restrictive and discriminatory. Most housing providers perform background checks on prospective tenants when screening applicants. As a result, those who have criminal convictions on their record are likely to face more scrutiny and possibly a denial than those who do not.

In 2016, the U.S. Department of Housing and Urban Development (HUD) issued guidance on the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions. A denial based on a criminal record could have a disparate impact on individuals of a particular race, national origin, or other protected class. Such policy is unlawful under the FHA if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the housing provider. Arrest without conviction is not justifiable. Landlords must consider: (1) date of conviction, (2) nature, (3) severity and (4) what the person has done since conviction.





CRIMINAL RECORD



In June 2022, HUD released a new memo offering additional information to reduce housing barriers for justice-involved individuals.

The memo reviews three theories of liability when assessing whether criminal background tenant screening policies comply with the FHA: (1) intentional discrimination; (2) unjustified discriminatory effects; and (3) refusal to make reasonable accommodations for persons with disabilities.

HUD memorandum sets out comprehensive best practices and tips for housing providers to avoid liability over criminal background policies. For example, HUD suggests housing providers should consider not using criminal history to screen tenants because, research indicates that criminal history is not a good predictor of housing success.

Are You Playing The Waiting Game?



“We haven’t verified your income.”

“Your credit check isn’t back yet.”

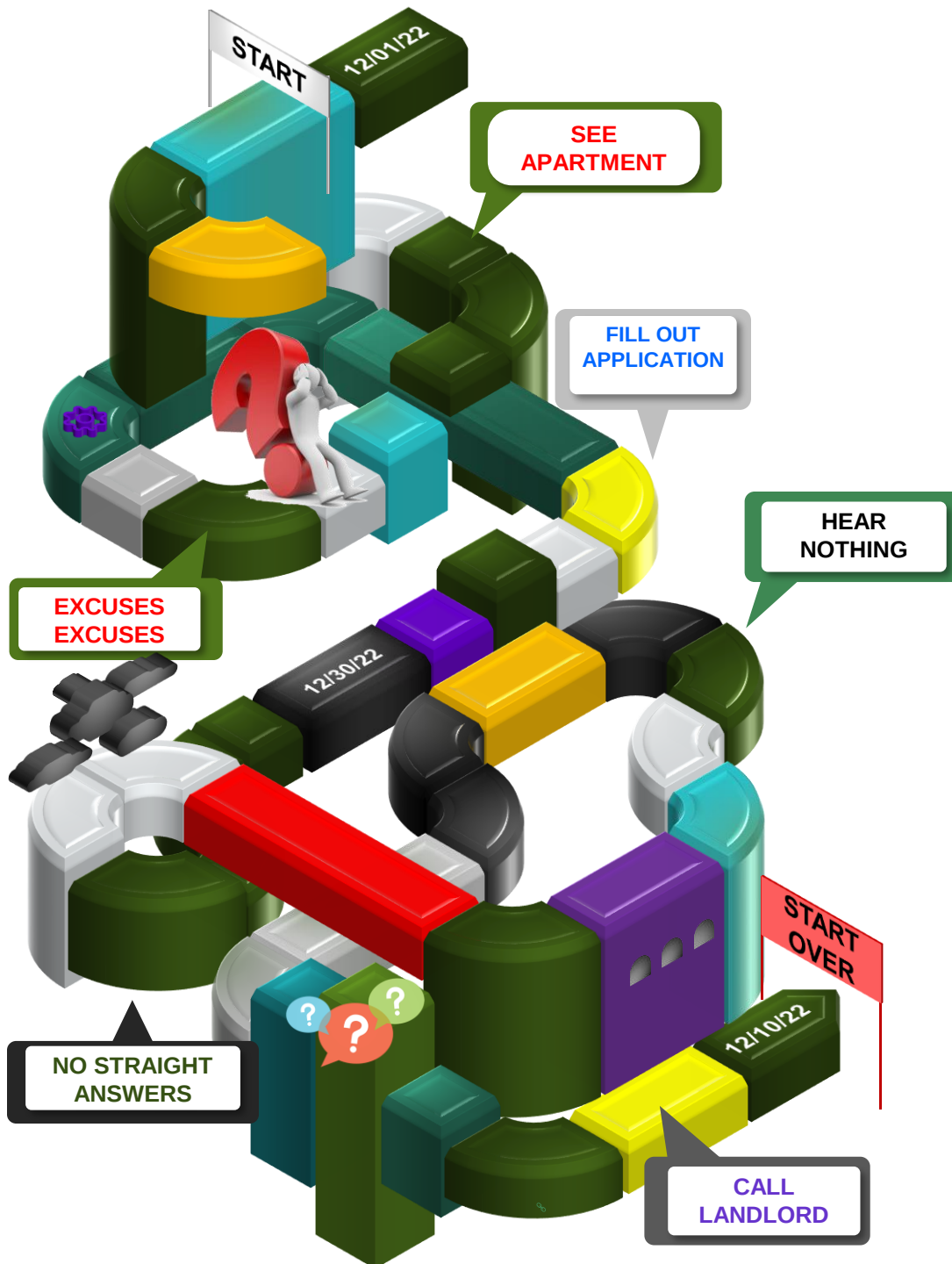
“We can’t find your application.”

Sound familiar?

It may be
DISCRIMINATION!

Don’t be a victim of the
“waiting game!”

Call Stark County
Fair Housing



NOWHERE ON A RENTAL APPLICATION DOES IT SAY....



YOU MUST BE A WHITE MAN

The Fair Housing Act makes it unlawful to discriminate in housing based on race, color, national origin, religion, sex, disability or family status. If you think you have been denied housing or treated differently, call Stark County Fair Housing Department.

WITH NO DISABILITIES



**Housing Discrimination
is Illegal!**



AND
NO CHILDREN

Navarre Landlord Barred Resident's Use of Motorized Scooter

The Stark County Fair Housing Department assisted a resident in filing of a housing discrimination complaint with the Ohio Civil Rights Commission. The resident owns his mobile home, but rents the lot. Due to multiple disabilities, he uses a motorized scooter to get around.

The complaint alleges that the owners of a mobile home park in Navarre violated the Fair Housing Act by creating a series of discriminatory policies that harassed, intimidated, interfered and coerced the resident to keep him from the full benefit of the Fair Housing Laws. For example, the owners allegedly told the resident that he was no longer allowed to ride his scooter to pick up mail because the neighbor's dog barked as he rode by. Allegedly, the owners forced this resident to sell his lawn equipment because they did not want it parked behind his trailer, although other tenants were permitted to store tractors, log splitters, wood, carts and other items outside and around their mobile homes. In addition, the complaint claims the park owners prevented the resident from listing his mobile home for sale. The owner allegedly told the Realtor that if he sells, the new owner will have to tear down the deck, sunroom and carport, which is in good condition. The Realtor was unable to list the home under those conditions.

"Persons with disabilities should be able to enjoy their homes to the same extent as everyone else. Treating someone differently because they have a disability is illegal," said Valerie Watson, Fair Housing Manager.

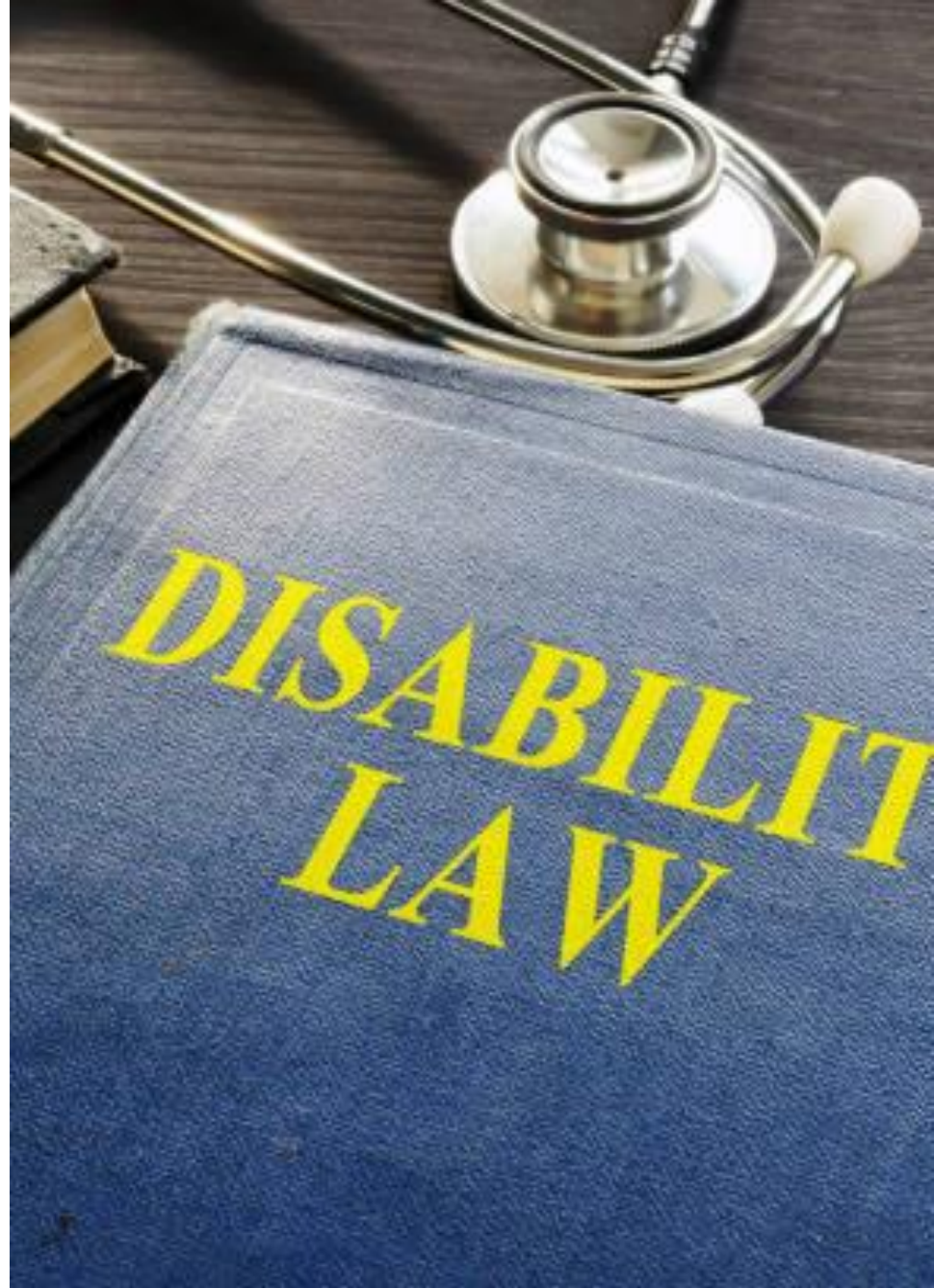
The case is pending an investigation with the Ohio Civil Rights Commission.



Disability

The Fair Housing Act prohibits discrimination on the basis of disability in all types of housing transactions. The law defines persons with disabilities as those with a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or regarded as having such impairment.

Housing providers may not coerce, intimidate, threaten or interfere with any individual's rights under the Fair Housing Act. The law prohibits persons from discriminating against applicants or residents because of their disability or the disability of anyone associated with them and from treating persons with disabilities less favorably than others because of their disability.





OCRC Rules No Probable Cause in Disability Case

The Ohio Civil Rights Commission made a determination of No Probable Cause of discrimination in a disability case.

The complainant owns a pit bull as an emotional support animal to assist with her disability. Although the animal does not have teeth, the landlord alleges the pit bull attacked and bit him in the leg. One afternoon the landlord went to the apartment in Alliance to fix repairs. The tenant claims the animal accidentally ran into the landlord who was standing directly in front of the door trying to get out of the apartment. The landlord gave the tenant a 3-day notice to vacate stating the animal was vicious and dangerous. The tenant felt the landlord only wanted her out because of the breed of the animal.

The SCFHD assisted the complainant in filing a complaint with the OCRC. They investigated the case and made a no probable cause finding.

According to HUD, housing providers MAY NOT limit the breed or size of a dog used as an emotional support animal just because of the size or breed, but can limit based on specific issues with the animal's conduct. For example, if the animal poses a direct threat to the health and safety of others, housing providers can have limitations.



Emotional support animals have been proven to help diminish the symptoms of disabilities by providing therapeutic nurture and support



Assistance and Emotional Support Animals

- Defined as any animal that provides emotional support, well-being, or companionship; not individually trained
- Pet rules do not apply to service animals and support animals
- A housing provider may not charge a deposit, fee, or surcharge
- Cannot charge fees, deposits, or require pet insurance
- May not deny because of its breed or size
- May refuse a reasonable accommodation if the specific animal poses a direct threat that cannot be eliminated or reduced to an acceptable level through actions to maintain or control the animal
- No requirement that the animal be specially trained
- Special tags, equipment, certification or special identification cannot be required

Emotional support animals are not limited to dogs and can be any species of animal

If you or someone you know has been discriminated against, contact:

Stark County Fair Housing Department
Valerie Watson, Fair Housing Manager
Phone: (330) 451-7775
Email: vjwatson@starkcountyohio.gov

HOUSING DISCRIMINATION...

IT'S **UNLAWFUL**,
UNFAIR

AND
UN-AMERICAN!



The Stark County Regional Planning Commission administers the Fair Housing Program on behalf of the Stark County Commissioners

Stark County Regional Planning Commission
Stark County Fair Housing Department
201- 3rd St. NE, Suite #201
Canton, Ohio 44702

Phone: (330) 451-7389
Fax: (330) 451-7990
Website: www.rpc.starkcountyohio.gov

Galen Stoll
President

Robert Nau
Executive Director

Valerie Watson
Fair Housing Manager
Newsletter Graphic Designer