

**Ohio Department of Development/Office of Housing and Community Partnerships  
 FY 2007- 2008 ANALYSIS OF IMPEDIMENTS FOR EQUAL OPPORTUNITY IN HOUSING  
 Fair Housing-Related Issues, Recommendations, and Timelines**

(Updated September 30, 2009)

ISSUE	RECOMMENDATION	TIMELINE FOR IMPLEMENTATION/OUTCOMES
<p><b>Performance of Grantees</b></p>	<p>The FY 2009 Ohio Consolidated Plan Fair Housing/New Horizons Program Advisory Committee (committee) recommended no changes for performance reporting for grantees.</p>	<p>As in the past, OHCP Field and Housing staff will continue to review fair housing compliance with their program monitoring reviews. Joyce Hill, Civil Rights Specialist, will continue to review fair housing compliance as requested by OHCP staff.</p> <p>During the FY2008-2009 program period, grantees with noted fair housing issues were monitored and/or provided technical assistance to improve compliance. This process is on-going. A “red flag” list has been developed for FY2009 grantees.</p> <p>New local fair housing contacts were provided training and technical assistance. In addition, technical assistance and field visits were provided upon request to OHCP grantees. A “Fair Housing for Beginners” session was held at the OHCP CDBG Conference at Salt Fork State Park on November 14, 2008. In addition, “Fair Housing &amp; Non-Discrimination” &amp; “Section 3” training sessions were held on Nov. 12 &amp; 13, 2008.</p>
<p><b>Community Development Block Grant (CDBG) and Community Housing Improvement Program (CHIP) Grant Application Documents and Instructions</b></p>	<p>The committee discussed the format of the Standard Fair Housing Program, which is included in the Community Development Program application and the Annual State Consolidated Plan. All agreed that the new comprehensive format is working well. A suggestion was made for columns to be added to the Outreach Chart to clarify four quarterly dates of distribution of materials. No additional changes were recommended.</p> <p>The format of the fair housing requirements for the Community Housing Improvement Program (CHIP) application was discussed. The committee voiced concern that fair housing is not included in the rating criteria of CHIP applications nor are points deducted for missing or incomplete housing plans.</p>	<p>No revisions were made to the FY 2008 CHIP or the FY 2009 CDBG application forms and instructions. Recommended changes have been made to the forms and will be reviewed at the FY 2010 advisory prior to implementing new formats.</p> <p>During this program period, Joyce Hill, Civil Rights Specialist reviewed and approved the fair housing programs for the CHIP &amp; CDBG grant applications.</p> <p>To ensure continued compliance, CDBG Formula Allocation and CHIP grant agreements include language that reiterates the OHCP fair housing requirements.</p> <p>All CDBG Formula communities were required to submit an update of their local Analysis of Impediment (AI) to OHCP as a part of their CDBG application. OHCP has an inventory of community AIs in the central file and in a shared electronic file. OHCP reviews the AIs and provides technical assistance as needed. Several communities have revised or are in the process of revising AIs that did not adequately address equal opportunity in housing. Several grantees have expressed the desire to wait to complete comprehensive AI after new census data is released.</p>

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		<p>Guidance on "How to Conduct an Analysis of Impediments to Fair Housing Choice" was updated in Nov. 2008 &amp; posted on the OHCP website at <a href="http://www.odod.state.oh.us/cms/uploadedfiles/CDD/OHCP/Analyzelm-pedimentstoFairHousingGuidebook.pdf">http://www.odod.state.oh.us/cms/uploadedfiles/CDD/OHCP/Analyzelm-pedimentstoFairHousingGuidebook.pdf</a></p>
<p><b>FEDERAL STIMILUS FUNDING: Title III of the Housing and Recovery Act of 2008- Neighborhood Stabilization Program (NSP)</b></p> <p><b>American Recovery and Reinvestment Act of 2009 (ARRA) programs</b></p>	<p>The committee suggested that instructions be added to the CDBG program requiring fair housing activities for the Neighborhood Stabilization Program (NSP)</p>	<p>The Act states that NSP funds are to be treated like CDBG funds under Title I of the Housing and Community Development Act of 1974 with the same fair housing and non-discrimination requirements. Programs funded under ARRA must also comply with all fair housing and non-discrimination regulations applicable to federally funded programs.</p> <p>To address the issue of fair housing and non-discrimination compliance for OHCP NSP and ARRA award recipients, a memorandum was mailed to all grantees and posted on OHCP's web site on May 29, 2009 that outlines all civil rights-related program requirements. The memo includes resources and provides for technical assistance upon request. The memo notes "Grantees should evaluate their program designs, so that opportunities are made available to all eligible persons on an equal opportunity basis and eliminates racial and ethnic segregation, illegal physical and other barriers to persons with disabilities and other discriminatory practices in housing and housing-related services." A copy of the memorandum has been included in your packet.</p> <p>In addition, Fair Housing &amp; Civil Rights information was distributed at the Homelessness Prevention and Rapid Re-housing Program application training and Homeless Assistance Grant Program application training on June 1, 2009 to over 200 potential applicants.</p>
<p><b>New Horizons Fair Housing Grant Application, Instructions and Review Process</b></p>	<p>The committee discussed the application and review process for the New Horizons Fair Housing grants. All agreed the process is working well. No changes were recommended.</p>	<p>The 2009 New Horizons Fair Housing Program grant application is available on the Internet at <a href="http://development.ohio.gov/cdd/ohcp/applications.htm">http://development.ohio.gov/cdd/ohcp/applications.htm</a>.</p> <p>The application is available in WORD format so it can be completed on the computer or printed and typed. Technical assistance is provided to communities interested in applying for New Horizons Fair Housing funds upon request.</p> <p>The New Horizons Fair Housing Program will continue to remain a separate, open-cycle application.</p>



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<p><b>Fair Housing Training Needs or Recommendations</b></p>	<p>other state agencies, independent living centers, legal aid associations, etc., and</p> <ul style="list-style-type: none"> <li>• Fair housing updates, training opportunities, and information related to fair housing via the Internet to the local fair housing contacts.</li> <li>• Resource guide for free or low cost fair housing educational materials</li> </ul>	<ul style="list-style-type: none"> <li>• Ohio Landlord Tenant Workshop w/COHHIO Jan. 29, 2009</li> <li>• Downtown Implementation Training- provided ADA &amp; Civil Rights-related material 1/20/09</li> <li>• Fairfield County MHA &amp; Independent Living Center- Accessibility Training provided to staff members 2/13/09</li> <li>• Ohio Housing Authorities Spring Conference 4/24/09 – provided accessibility training with Spencer Wells, COHHIO</li> <li>• Ohio Fair Housing Law Workshop- Fair Housing Month activity 4/29/09 presentations by Ohio Civil Rights Commission &amp; Ohio AG staff and Donald Eager, private fair housing consultant. 45 participants. Mostly Community Action Agency, shelter providers and Area Offices on Aging staff</li> <li>• Ohio Conference of Community Development (OCCD) Fair Housing presentation by Jim McCarthy- 05/06/09</li> <li>• Landlord Tenant and Fair Housing Training for Shelters w/COHHIO 06/24/09</li> </ul> <p>OHCP Civil Rights Specialist, Joyce Hill also participated in or attended:</p> <ul style="list-style-type: none"> <li>• Ohio Housing Finance Agency (OHFA) Housing Conference <ul style="list-style-type: none"> <li>○ Henry Cisneros presentation 11/0/08</li> </ul> </li> <li>• Employment Law Update (Scott Warrick)12/18/08</li> <li>• Advocating Your Position- JG School at OSU 1/22/09</li> <li>• ACTION Ohio Board Meeting-on Board 1/23/09; 03/27/09</li> <li>• Money Follows the Person Workgroup (HOME Choice) monthly meeting</li> <li>• OHFA Universal Design Summit 2/4/09</li> <li>• ODOD Confidentiality Training 2/10/09</li> <li>• Diversity- Exploring your Blind Spots in Yourself and Others 3/5/09</li> </ul>

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		<ul style="list-style-type: none"> <li>• Public Right-of-Way at OSU 05/19/09</li> </ul> <p>OHCP provided technical assistance/monitoring to:</p> <ul style="list-style-type: none"> <li>• Vinton County –B-N-07-075-1 monitored 12/3/08</li> <li>• Licking County –monitored 12/12/08</li> <li>• Cultural Competence work group- 2/24/09 participant</li> <li>• Brown County FY 07 New Horizons grant- monitored 5/509</li> <li>•</li> </ul> <p>OHCP participates in several advisory committees and roundtable discussions with various government and nonprofit agencies including:</p> <ul style="list-style-type: none"> <li>• Ohio Housing Preservation Group (expiring Sec. 8 contracts)</li> <li>• ACCESS Ohio Workgroup (disability issues)</li> <li>• ADA Business Connection Leadership Group_OSU</li> <li>• Ohio SILC Housing Group (disability advocates)</li> <li>• ACTION Ohio (domestic violence)</li> <li>• Multiethnic Advocates for Cultural Competence</li> <li>• COHHIO’s Section 504 Work Group- (disability rights)</li> <li>• Ohio Olmstead Taskforce – disability rights</li> <li>• Ohio HOME Choice Workgroup (MFP) – disability</li> </ul>
<p><b>Planning Issues: Individuals with Disabilities</b></p>	<p>The committee recommended further investigation into the needs of individuals with disabilities in Ohio and possible remedies. The committee also discussed various issues related to individuals with disabilities in Ohio including:</p> <ul style="list-style-type: none"> <li>❑ The lack of affordable, accessible housing made available to individuals with disabilities;</li> <li>❑ Non-compliance with the federal accessibility regulations of new and rehabilitated housing;</li> <li>❑ The need for a list of accessible</li> </ul>	<p>OHCP staff continues to work at increasing the supply of accessible, affordable housing available to individuals with disabilities throughout Ohio. Joyce Hill networks with various advocacy groups and organizations to make information on accessible units, fair housing rights and resources available to individuals with disabilities. In addition, OHCP strives to make housing providers aware of the need for accessible units and marketing resources available to them. Ohio Department of Development continues to require affirmative marketing to individuals with disabilities in all housing construction or rehabilitation projects of 5 or more units funded with state (or Federal) dollars. Joyce Hill serves on various committees and advocacy groups that work with people with disabilities.</p> <p>The Ohio Housing Finance Agency (OHFA) receives HOME funding</p>

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	<p>housing units available in Ohio; and</p> <ul style="list-style-type: none"> <li>❑ The need for funding for modifications to enable individuals with disabilities to stay in their current housing especially rental housing.</li> <li>❑ The need for tenant-based rental assistance and housing vouchers for individuals with disabilities throughout the state</li> </ul>	<p>from OHCP for affordable housing development. OHFA continues to support Visitability and Universal Design currently in their QAP. OHFA has brought various groups together to discuss initiatives under their Annual Plan. As a result of resistance from developers related to the accessible design requirements outlined in the current QAP, OHFA held a town hall-type meeting where a visitability and universal Design professional talked about these concepts and let the disability community and developers air out their differences and come to a final conclusion on this issue. Fair housing and disability advocates participated in this discussion. The Universal Design Summit was held in February 2009 with design professionals, housing providers, architects, fair housing advocates, and others to improve housing availability to individuals who could benefit from universally designed housing. OHFA continues to be very pro-active in their efforts to listen to people with disabilities and ensure they can make reasonable changes to their program to accommodate people with disabilities.</p> <p>The Ohio Housing Locator, which is a free website for a statewide inventory of affordable, accessible rental housing throughout in Ohio. Individuals can search for housing by location, cost and features. The website also includes quick links to other housing information and resources including fair housing. The Ohio Housing Locator website is <a href="http://www.ohiohousinglocator.org">www.ohiohousinglocator.org</a>. The Ohio Housing Locator is supported by OHFA, Ohio DD Council, ODOD, Ohio Dept. of Aging, &amp; Ohio Dept. of Jobs and Family Services. Notified grantees that free postcards are available upon request that can be distributed as a part of their fair housing outreach program.</p> <p>OHCP continues to encourage disability advocates to attend state and local public hearings to provide information about the housing needs of individuals with disabilities.</p>
<p>OTHER PLANNING ISSUES</p> <p><b>Foreclosure Growth in Ohio 2009</b> Ohio's foreclosure crisis continued to worsen in 2008, setting a new record with 85,782 new foreclosure filings, according to the annual study issued by Policy Matters Ohio. Ohio saw a 1.2 percent</p>	<p>H.B. 3 – includes a six-month moratorium on foreclosures, which would apply as long as borrowers continue to make at least half of their monthly payment. The bill also would create a \$750 fee on foreclosure filings to help fund</p>	<p>The bill passed the Ohio House 54-43, with three Republicans joining all Democrats in support.</p> <p>The bill now (May 2009) goes to the Senate, where President Bill M. Harris, R-Ashland, has said he's willing to consider a moratorium.</p>

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<p>increase from 2007 and a 70 percent increase from 10 years ago. The latest numbers indicate that there was one foreclosure filing for every 60 housing units in the state last year. Foreclosure filings grew by an average of 4.9 percent in counties with populations of 50,000 or less, and state-wide have more than quintupled since 1995 for all counties. Cuyahoga County led the state once again in foreclosure filings per person and Allen County led in foreclosure filing growth from 2007. The report calls for more state action in resolving the foreclosure crisis that continues to hurt communities. Full report available at <a href="http://policymattersohio.org/ForeclosureGrowthOhio2009.htm">http://policymattersohio.org/ForeclosureGrowthOhio2009.htm</a></p> <p><b>Renters in the Foreclosure Crisis-</b> According to a Policy Matters Ohio study, an estimated 3,918 foreclosure filings were rental units in 2007, an increase of 29% from 2006. Rental foreclosure filings grew at a higher rate than owner-occupied foreclosure filings. Rental foreclosures represented nearly 30% of all residential property foreclosure filings in 2007.</p> <p><b>New Federal Reserve Bank of Cleveland Report:</b> According to recent Federal Reserve Bank of Cleveland research, areas within Ohio, eastern Kentucky, western Pennsylvania, and the northern panhandle of West Virginia didn't suffer from the crash of hyper-inflated housing prices, as happened in California, Florida and other overheated housing markets. The underlying problem was over-lending to people in a region that was under stiff economic pressure long before the recession set in. Too many people ended up in mortgages they couldn't afford, and</p>	<p>foreclosure-prevention efforts and set up new licensing standards for loan servicers.</p> <p>This is the second foreclosure-related bill to pass the Ohio House this month. Two weeks ago, the House passed a renter-protection bill that would allow tenants to remain in their residences for at least 30 days after a foreclosure.</p> <p>Protecting Tenants in Foreclosure Act-Title VII of Public Law 111-22.- On May 20, 2009, the President signed into law a bill containing provisions protecting tenants living in foreclosed buildings.</p> <p>Ohio legislation (Foley) still pending</p>	<p>However, he has shut down nearly all legislative work outside of the state budget, making it unlikely the bill will get hearings anytime soon.</p> <p>On June 22, 2009, OHCP distributed information on the "Renters in Foreclosure Toolkit. The toolkit contains a one-page explanation of the new provisions, Q &amp; A for tenants, &amp; sample letters</p>

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<p>when the economy took a nosedive, many of them became delinquent and defaulted on their loans.</p> <p>Those defaults led to a high number of foreclosures, which led to an oversupply of housing, which led to home prices depreciating and borrowers and financial institutions taking on big losses.</p> <p>To break the cycle, the Federal Reserve Bank of Cleveland supports taking the following actions:</p> <ul style="list-style-type: none"> <li>▪ Provide financial incentives to mortgage lenders and servicers to modify loans for borrowers in trouble</li> <li>▪ Help troubled borrowers stay in their homes by converting them from owners to renters</li> <li>▪ Beef up code enforcement and clear legislation for land banks to help local governments better manage properties left vacant by foreclosure</li> <li>▪ Help banks and financial</li> </ul> <p>Report is available at <a href="http://www.clevelandfed.org/for_the_public/news_and_media/press_releases/2009/20090514.cfm">http://www.clevelandfed.org/for_the_public/news_and_media/press_releases/2009/20090514.cfm</a></p> <p><b>HB. 444</b>  <b>H.B. was enacted in January 2009. This bill substantively states that once design and construction plans for multi-family dwelling units are approved by local building officials, a “rebuttable presumption” is created that the plans comply with accessibility standards. A rebuttable presumption is defined as “(a) species of legal presumption which holds good until evidence contrary to it is introduced.” Black’s Law Dictionary 1139 (Fifth Edition, 1979)</b></p>	<p>Since OCRC and/or any plaintiffs carry the burden of proof in establishing a prima facie case of accessibility discrimination, it is OCRC’s position that the presumption contained in H.B. 444 vanishes upon the establishment of a prima facie case. OCRC intends to develop policy guidance explaining their position. OCRC feels HB 444 does not create an obstacle in fair</p>	<p>OCRC feels HB 444 does not create an obstacle in fair housing enforcement.  <b>However, HUD has given OCRC until June 30, 3009 to remedy. Update</b>  <b>OHCP staff contacted HUD and Ohio Housing Finance Agency compliance staff to discuss possible training on accessibility requirements for newly constructed housing. Both HUD and</b></p>

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<p><b>Substantial Equivalency and the Future of Fair Housing in Ohio</b></p> <p>The future related to fair housing has been called into question by a series of state court decisions narrowly interpreting various provisions relating directly or indirectly to the enforcement of the state's fair housing law. Although the Ohio Civil Rights Commission and its partners throughout the state have always ourselves been leaders in fair housing enforcement and related initiatives, they now face the real possibility that the protections and remedies afforded under the state's fair housing law will fall below the standards set forth in the federal Fair Housing Act..</p> <p><b>Equal Housing and Employment Act- (House Bill 176)</b>  On May 12, 2009 a bipartisan group of state representatives introduced legislation that , if passed, will make it illegal to discriminate against a person in employment, housing or public accommodations because of their sexual orientation or gender identity. Testimony began on May 27, 2009 in the State Government Committee.</p> <p>Twenty states and the District of Columbia, 11 of Ohio's 13, four-year public universities, 16 Ohio municipalities and the</p>	<p>housing enforcement.</p> <p>Several amendments--those deemed by OCRC most fundamental to substantial equivalency-- have already been prepared and are beginning to make their way through the legislative process.</p>	<p><b>OHFA agreed to participate in training.</b></p> <p><b>Substantial Equivalency</b>  The Ohio Civil Rights Commission has taken steps to amend Ohio Revised Code Chapter 4112 to re-establish the rights and remedies previously believed to be available under the state's fair housing law. At the time of this writing, several amendments--those deemed most fundamental to substantial equivalency--have already been prepared and are beginning to make their way through the legislative process. OCRC has until June 30, 3009 to remedy.</p> <p>On May 26, 2009, OCRC received a major endorsement from the Ohio Association of Realtors with respect to Sub. HB 1 dealing with the proposed changes to the Ohio Revised Code 4112(H).</p> <p>08/07/09 The budget process held a victory for fair housing groups across the state. Language inserted in the budget modified Ohio law to make it equivalent to federal law, thus allowing fair housing groups to continue to be eligible for federal funding for fair housing enforcement activities. HUD had threatened to strip Ohio's eligibility due to some recent court decisions, which caused Ohio's fair housing statutes to no longer be substantially equivalent to the federal standards.</p> <p>On June 17, 2009, H.B. 176 passed out of State Government Committee in the Ohio House of Representatives. The Ohio House of Representatives is scheduled to vote on HB 176, the Equal Housing and Employment Act, on Tuesday, September 15 during</p>

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<p>Ohio House of Representatives have similar ordinances or rules. A growing coalition of some of Ohio's largest employers (including Nationwide, Cardinal Health and the Cleveland Clinic) have joined more than 100 faith leaders from across the state in recognizing that passing this bill is the right thing to do for Ohio.</p> <p>"It is 2009 and Ohio is still among the most unwelcoming states in the nation for lesbian, gay, bisexual and transgender people," said Lynne Bowman, executive director of Equality Ohio, Ohio's statewide advocacy group for lesbian, gay, bisexual and transgender (LGBT) people. "It is time for Ohio to send a clear message that everyone is welcome here and will be afforded the same rights and protections in our state. In this economic climate, we can no longer afford to do any less."</p>		<p>Session at 11:00 a.m.</p>

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