
Impediments to Fair Housing Choice in Hamilton County, Ohio

A report to the City of Cincinnati
and Hamilton County

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Housing Opportunities Made Equal
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Cincinnati and Hamilton County Analysis of Impediments to Fair Housing

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I EXECUTIVE SUMMARY

This report is an analysis of impediments to fair housing choice for Cincinnati and the balance of Hamilton County. As recipients of Federal funding through the US Department of Housing & Urban Development, the City and County are under an obligation to affirmatively further fair housing and conduct periodic analyses of impediments to fair housing choice.

The Analysis of Impediments for Cincinnati and Hamilton County conducted in 2004 included an extensive review of data from the 2000 Census. This report relies on that data analysis and should be considered an update of the 2004 report. A more extensive data analysis will be required after the 2010 Census. Findings from a review of the 2000 Census data and from more recent information and reports include:

- The metropolitan area is 85% white, 12% African American, 1% Asian, 1% Hispanic, and 1% other.
- Hamilton County is 72% white and 23% African American. The City of Cincinnati is 52% white and 43% African American.
- The Cincinnati Primary Metropolitan Statistical Area is the eighth most racially segregated metropolitan area in the United States.
- The Cincinnati metropolitan area has not been a significant destination for foreign immigrants for over 100 years. While growth rates for Asian, Native American and Hispanic populations are large, they still comprise less than 4%, collectively, of the region's population.
- Of Hamilton County's 346,830 households, about 58,470 contain at least one person with a mobility/self-care limitation.
- In 2008 Housing Opportunities Made Equal received 477 complaints/inquires about housing discrimination.
- A review of the location of assisted housing in Hamilton County shows a trend toward deconcentration of assisted housing from a few Cincinnati inner city neighborhoods into a wider range of City neighborhoods and into jurisdictions in the County.
- Fourteen communities in Hamilton County have been stable and racially integrated for over 20 years. Three of these communities have been stable and integrated for over 30 years.
- The American home foreclosure crisis has impacted African Americans in Cincinnati and Hamilton County at higher rates than other racial and ethnic groups.

- African American homebuyers face higher mortgage rejection rates than whites, regardless of income.
- African Americans are more likely to have high-cost subprime mortgages – regardless of income – than similarly situated Latinos, whites, and Asian Americans.
- Many of the single men who are homeless in Hamilton County have disabilities, including 39% with a mental illness, 63% with alcohol addiction, and 30% with physical/sensory disabilities.

This Analysis of Impediments focuses primarily on issues of housing choice related to the classes protected by Federal, state, and local laws. The Federal law prohibits housing discrimination based on race, color, national origin, religion, sex, disability or because of children in the household. In 2008, the Ohio law was amended to prohibit discrimination based on military status. Cincinnati has ordinances that prohibit discrimination based on marital status, Appalachian ancestry, sexual orientation, or because a tenant is using a government housing subsidy such as a Section 8 voucher.

Housing Opportunities Made Equal (HOME) is a private fair housing agency that serves the Cincinnati metropolitan area. It receives funding from the City and County and provides client services, education and outreach, a Mobility program, and a foreclosure prevention program. The City and County Departments of Community Development incorporate fair housing requirements into their programs. Both jurisdictions also increase housing choice by funding tenant-based assistance programs for people with disabilities and accessibility modifications for home owners.

The Cincinnati Metropolitan Housing Authority (CMHA) is a public housing authority serving Cincinnati and Hamilton County. It owns and manages public housing units and administers a Housing Choice Voucher program (Section 8). Tenants in its programs are more than 90% African American. In the last decade, CMHA has closed three large public housing projects and purchased units at scattered sites throughout the county. At the same time, the number of Housing Choice Vouchers has steadily increased and families have chosen to live in a wider range of neighborhoods. There has been a decrease in the concentration of poverty in the inner city and a related increase in racial integration in many neighborhoods in the County. However, there has been a backlash in some neighborhoods against the Housing Choice Voucher program. Vocal opposition from neighborhoods who have seen an increase in the number of voucher holders has resulted in a large community relations problem for the housing authority and pressure to reduce the number of vouchers or find ways to cap the number of voucher holders allowed in certain neighborhoods.

Hamilton County has nonprofit agencies that help specific populations with housing problems, including people with disabilities and Hispanic residents. There also is a civic initiative to promote the County's stable, integrated communities.

Seven impediments to fair housing choice are identified with recommendations made on actions to lessen their effects.

NIMBYism Based on Stereotypes

There is a lack of a positive community vision of diverse, mixed-income communities. Progress is noticeable with County planning efforts and with civic efforts to promote stable integrated communities. However, there are regular “Not In My Back Yard” (NIMBY) outcries from neighbors who fear that low-income people of color will “destroy” their neighborhood.

1. The City and the County need to work with CMHA to provide accurate information about the Housing Choice Voucher program, including how the program works, the percentage of elderly and disabled people on the program, and the percentage employed. The communities also need accurate information on comparative rates of assisted housing concentration.
2. The City and County should support, encourage, and participate with neighborhood groups who value inclusion and welcome new neighbors.
3. The Cincinnati Planning Department and Hamilton County Regional Planning Commission could take the lead in creating a positive image of diverse, mixed income communities.
4. Elected officials and candidates should be asked to sign a pledge to refrain from inflaming racism and prejudice and to show respect for all citizens and their neighborhoods in campaign advertising and rhetoric.

Improve the Choice in the Housing Choice Voucher Program

The Housing Choice Voucher program (Section 8) has been successful in providing housing choice to over 10,000 families in Hamilton County, more than 90% of whom are Black. However, the families have little help in finding rental units in low poverty areas or support in making integrative moves. Too often, they are greeted by hostile neighbors and community leaders who say they are not wanted.

5. CMHA, the City, and the County should collaborate on an active program to recruit landlords in low poverty areas and provide information and support to families with Section 8 vouchers interested in making integrative moves.
6. The City and County should ask CMHA to refrain from actions that limit housing choice such as using tenant-based vouchers to create project-based units or seeking ways to restrict access to certain neighborhoods. Efforts to avoid concentrations should involve assistance to landlords and tenants who voluntarily want to move to low poverty areas, rather than limitations on housing choice
7. The City and County should involve Section 8 tenants in community meetings, including upcoming meetings to develop a Cincinnati Comprehensive Plan and

8. The City and County should work with CMHA to establish a Community Advisory Committee that includes Section 8 tenants and advocates, landlords, and representatives of communities concerned about the impact of families with vouchers moving to their neighborhoods.

Predatory Lending and Lending Discrimination

Predatory lending by brokers and national mortgage companies targeted Black neighborhoods. As a result the home foreclosure crisis has impacted African Americans in Cincinnati and Hamilton County at higher rates than other racial and ethnic groups. As foreclosures increase, these same neighborhoods are now being targeted with foreclosure prevention scams. A review of data from the regulated banks in the Cincinnati area also raises serious continuing fair lending questions.

9. Assertive law enforcement action is needed on fraudulent foreclosure prevention scams, the next generation of predatory lending that is targeting minority communities.
10. The City and County should ask the banks in Hamilton County to review their HMDA data, and where racial disparities exist to conduct self-testing and establish Mortgage Review Committees to ensure that loan originators and underwriters are not letting stereotypes and prejudice affect their decisions.
11. The City and County should work with major lenders to place more branches in minority and low- and moderate-income neighborhoods.

Discrimination against People with Mental Disabilities

People with disabilities, particularly people with mental disabilities and recovering alcoholics and drug users, are the target of illegal housing discrimination by individual landlords and also actions by local governments to keep them out.

12. Training needs to be provided to government officials and local zoning boards in Hamilton County on the Fair Housing Act rights of people with disabilities and the liability of jurisdictions who violate the law.
13. The City Planning Department and Hamilton County Regional Planning Commission should provide siting assistance programs that enable the siting of special needs housing by providing community education, dispute resolution services and tools such as Good Neighbor Agreements.

A Lack of Accessible Housing

A lack of accessible housing for people with physical disabilities limits their housing choice and ability to live integrated in the community.

14. When the City and County issue occupancy certificates for new multifamily buildings, the inspectors should ensure that the minimal accessibility requirements of the Fair Housing Act are met. Additional training is needed to ensure the inspectors understand that under the Fair Housing Act and the Ohio Building Code, regardless of how units in covered multifamily buildings are classified, they must be minimally accessible to persons with mobility impairments.
15. The City and the County should expand their programs that provide accessibility modifications for existing housing to serve renters as well as homeowners.
16. Information on accessible rental units needs to be made more readily available.

Discrimination against Families with Children

The general public does not know it is illegal to discriminate against families with children. Many small landlords who own one or two properties, or who rent houses they could not sell, post ads on websites like Craigslist saying they do not want families with children.

17. A significant marketing campaign could open the housing market to families by raising public awareness that housing discrimination against families with children is illegal. It would encourage parents who experience discrimination to call HOME and would educate the small landlords who receive no professional training

Sexual Harassment

Sexual harassment by landlords of female tenants is sex discrimination under the Fair Housing Act, but is often not reported.

18. Educate female tenants that sexual harassment by landlords is illegal and should be reported to HOME. Target the message to female university students and Section 8 tenants who are particularly vulnerable because of their age and low-income.

SECTION II INTRODUCTION AND METHODOLOGY

The City of Cincinnati and Hamilton County, as recipients of Federal community development funding, have an obligation to “affirmatively further fair housing.” Grantees must certify annually that they meet this obligation. HUD requires grantees to conduct periodic Analyses of Impediments to Fair Housing Choice and take appropriate actions to overcome the effects of identified impediments.¹

This report is an analysis of impediments to fair housing choice for both Cincinnati and the balance of Hamilton County. These jurisdictions receive separate allocations of Federal block grant funding, but because their housing markets and fair housing issues are so related, Cincinnati and Hamilton County have chosen to conduct a joint Analysis.

The last Analysis of Impediments was conducted in 2004 by Steve R. Howe and Associates. It included an extensive review and report on data from the 2000 Census. Because there is little new Census information since 2000, this report should be viewed as an update of the 2004 Analysis. In particular the 36 detailed tables of data included as Appendix B in the 2004 Analysis are incorporated by reference into this report. **Section III** herein gives Data Updates, including information on foreclosures and discrimination complaints received by Housing Opportunities Made Equal since 2004.

Section IV provides an analysis of the legal framework and includes a review of the Federal Fair Housing Act, as well as state and local laws relating to fair housing. It also reviews recent and pending court cases and complaints.

Section V summarizes the fair housing activities of the City, the County, the housing authority and several local nonprofit agencies and civic groups. This section is not a compilation of all the housing activities of these groups, but an attempt to identify activities that relate specifically to housing choice.

Section VI is the substance of the Analysis. It identifies seven major impediments to fair housing choice in Cincinnati and Hamilton County and makes 18 recommendations to address the impediments.

This Analysis of Impediments focuses primarily on issues of housing choice related to the classes protected by Federal and local laws. The lack of safe, affordable housing is clearly a significant issue that needs to be addressed by the City and County in their community development programs. The lack of affordable housing indirectly impacts many areas of fair housing, but it is dealt with in this report only to the extent that there is a clear connection. For example, the report addresses the location of assisted housing and

¹ In the 1970's Norwood became the first CDBG recipient in the country to have its funds reduced to zero by HUD because of its vocal opposition to fair housing. A lawsuit is currently pending under the Federal False Claims Act against Westchester County, NY, alleging that the county falsely certified to HUD that it affirmatively furthered fair housing. In a largely white county, its Analysis of Impediments did not address racial discrimination. The judge has granted partial summary judgment for the plaintiffs. *U.S. ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York*.

the lack of affordable accessible housing that keeps people with disabilities from living integrated into the community. For strategies on increasing affordable homeownership and rental housing see the Consolidated Plans of the Cincinnati and Hamilton County.

Methodology

The principal authors of this report are Elizabeth Brown and Tony Baize of Housing Opportunities Made Equal.

We reviewed the 2004 Cincinnati and Hamilton County Analysis of Impediments, similar reports from other jurisdictions and HUD's Guide to Fair Housing Planning. We gathered research reports to update the 2000 Census data. The reports with information on Cincinnati and Hamilton County are cited in the relevant parts of Section III Data Updates.

During April 2009 we interviewed representatives of ten stakeholder groups. Through the interviews, we gathered information on fair housing activities and major impediments to fair housing choice in Cincinnati and Hamilton County. Groups interviewed include:

- City of Cincinnati, staff of the Department of Community Development
- Hamilton County, staff of the Department of Community Development
- Cincinnati Metropolitan Housing Authority, staff of Public Housing, Housing Choice Voucher Program, and the Legal Department.
- Accessibility Workgroup, a coalition of organizations serving people with disabilities
- Center for Independent Living Options
- Legal Aid Society of Greater Cincinnati
- US Department of Housing & Urban Development, Cincinnati Field Office
- NAACP, Housing Committee of the Cincinnati Chapter
- LULAC, League of United Latin American Citizens
- Cincinnati Community Reinvestment Act Committee

Every attempt has been made to report information accurately. Please let us know if you are aware of any inaccuracies.



III DATA UPDATES

The 2004 Analysis of Impediments for Cincinnati and Hamilton County contained an extensive review of 2000 census data. A full update of that data will not be possible until the data from the 2010 decennial census is available. The detailed information in the 36 tables in the Appendix of the 2004 is incorporated by reference into this Analysis. In this section, we first summarize some key findings based on that 2000 census data, focusing particularly on classes protected by the Fair Housing Act. We then review new reports and information available since 2004.

Key Findings on Protected Classes from the 2000 Census (summarized from the 2004 Analysis of Impediments)

The Cincinnati-Hamilton Consolidated Metropolitan Statistical Area (CMSA) consists of 13 counties in three states: Brown, Butler, Clermont, Hamilton, and Warren counties in Ohio; Dearborn and Ohio counties in Indiana; and Boone, Campbell, Gallatin, Grant, Kenton and Pendleton counties in Kentucky.

- The population of the CMSA increased 9% from 1990 to 2000 and an additional 2% from 2000 to 2003. It is now home to over two million residents.
- Hamilton County's population declined 2% from 1990 to 2000 and Cincinnati's population declined 9%.
- From 1990 to 2000, while the City's population was shrinking 9%, the balance of the MSA (including the County suburbs) was growing 13%, for a discrepancy between central and peripheral growth of 22%, worse than any major metropolitan area within 250 miles.

Race

- The CMSA is 85% white, 12% African American, 1% Asian, 1% Hispanic, and 1% other (including bi-racial, a category not introduced by the US Census Bureau until the 2000 Census).
- Hamilton County is 72% white and 23% African American. The City of Cincinnati is 52% white and 43% African American.
- The Cincinnati Primary Metropolitan Statistical Area (i.e., the CMSA minus Butler County) is the eighth most segregated metropolitan area in America as measured by Taueber's Index.²

² Taueber's Index is a generally accepted measure of segregation. On a scale of 0 to 1 (or, sometimes, 0 to 100), low values represent integration and high values segregation. The index represents the proportion (or percentage) of households that would have to move from areas of concentration in order to achieve full integration.

- There are 25 areas in Hamilton County with more than double the countywide percentage of African American households (22.8%).
- Hamilton County has five areas that are more than 90% African American and five more that are 80% to 90% African American (Table 30).
- Taueber's Index for African Americans versus all others is 63.3, far worse than for any other minority group, suggesting that segregation is more severe for African Americans than for other minority groups.
- African Americans with high incomes are also segregated. Taueber's Index for how segregated African Americans are is virtually constant at different income levels.
- In net terms, the equivalent of one out of every five white residents of Cincinnati moved out of the city between 1990 and 2000. The equivalent of one of every 12 white residents moved out of Hamilton County.
- Black suburbanization is underway. While the African American population of the City increased from 38% in 1990 to 43% in 2000, the absolute increase was a modest 2.5%. In contrast, the African American population of the CMSA increased in absolute terms 13%.
- As a proportion of the City's population, African Americans have increased by nearly exactly 5% a decade since 1940.

National Origin

- The Cincinnati metropolitan area has not been a significant destination for foreign immigrants for over 100 years. The region's cultural heritage has been shaped by three great movements of peoples - the Germans by 1870, the African Americans by 1960, and the Appalachians, whose movement into the region has been of long standing and is continuing.
- The Asian, Native American and Hispanic populations in the CMSA have all increased 56% or more from 1990 to 2000, but from very small bases. While growth rates of racial/ethnic groups other than whites and African Americans are large, they still comprise less than 4%, collectively, of the region's population.
- Linguistic isolation is a problem in only 1 % of CMSA households (as compared with 4% in the nation as a whole). A household is linguistically isolated when no member over the age of 13 is proficient with English.

Disability

- Of Hamilton County's 346,830 households, about 58,470 contain at least one person with a mobility/self-care limitation.
- Of the 267,060 households where there is no one age 65 or over, 32,610 contain a member who has a mobility/self-care limitation.
- There are 79,770 Hamilton County households with one or more persons over the age of 65. Of these, 25,860 contain at least one person with a mobility or self-care limitation.
- Regardless of age, households with members with limitations are actually less likely than other households are to be in substandard, overcrowded, or unaffordable units.

Family Status

- 53% of the households in Hamilton County include children under the age of 18.
- 57% of the households in Cincinnati include children under the age of 18.
- The number of occupied housing units in the City of Cincinnati declined 4% from 1990 to 2000. From 1960 to 1980, almost all of the City's population loss could be explained by shrinking households; it lost no housing units. Since 1980, an increasing share of the City's population loss is attributable to lost households.
- In contrast, the balance of Hamilton County is losing population (down 3% since 1990) but gaining households (up 8% since 1990). How? Smaller numbers of people per household.

Complaints received by HOME

Housing Opportunities Made Equal (HOME) is the private fair housing agency in the Cincinnati metropolitan area that counsels people who believe they have experienced illegal housing discrimination and helps them gather evidence and take enforcement action. The following tables show the number and type of fair housing complaints received by HOME in the five years since the last Analysis of Impediments. It includes only those calls in which HOME staff determined that issues of illegal housing discrimination were raised. HOME receives many more calls from people with landlord-tenant problems or lending situations that they believe are “unfair”, but which do not involve housing discrimination.

Complaints by Class 2004-2008

	2004	2005	2006	2007	2008
Race/color	160	110	126	172	124
Disability	26	48	95	175	181
Sex	13	8	11	18	14
National origin	114	43	18	18	20
Religion	1	2	3	3	5
Family status	22	22	47	70	73
Other	13	11	20	44	60
TOTAL	349	244	320	500	477

Complaints by Nature of Complaint 2004-2008

	2004	2005	2006	2007	2008
Rental	250	187	261	401	383
Sales	18	12	19	9	8
Lending	37	1	9	5	2
Insurance	3	0	2	0	0
Harassment	25	35	22	43	40
Other	16	9	7	42	44
TOTAL	349	244	320	500	477

One notable trend is the sharp increase in the number of complaints based on disability. HOME attributes this increase to outreach and increased awareness of fair housing rights by people with disabilities and agencies supporting them. The Fair Housing Act not only prohibits denial of housing because of a physical or mental disability, but also requires housing providers to grant requests for reasonable accommodations and reasonable modifications that are needed to allow someone with a disability an equal opportunity to use and enjoy the housing.

National studies show that only a few of the people who believe they have experienced illegal discrimination ever report it or file a complaint. Therefore, an increase in complaints does not necessarily mean there is an increase in discrimination. It is more likely a reflection of the effectiveness of HOME's outreach and advertising. The large number of national origin complaints in 2004 is clearly attributable to outreach. HOME had a grant from HUD at that time to do specific outreach in the Hispanic community.

One new fair housing issue that HOME noticed in the last few years is discriminatory advertising on the Internet. They rarely find discriminatory advertisements in print any more, since newspapers are responsible for screening classified ads. However, on websites like Craigslist, no one screens the ads and, as more rental ads appear online, many discriminatory ads are appearing. A few of the ads discriminate based on religion, specifying a Christian tenant, but most of the online discriminatory ads discourage or

deny families with children. It has been illegal to discriminate against families with children for more than 20 years, but it is apparent that many people renting one house or a couple of rental properties do not know the law or do not care. HOME is increasing its efforts to educate the community that housing discrimination against families with children is illegal. In addition to education, in 2008 HOME filed a number of complaints with HUD based on discriminatory advertising. The complaints were filed both against the person who posted the ad and against Craigslist for publishing the illegal ad.

In addition to complaints brought to HOME, in 2004 through March 2009, Legal Aid represented tenants in over 30 cases involving claims of Fair Housing Act or Section 504 violations which were resolved favorably for their clients. Mostly these were eviction cases where the fair housing issue was a defense; some were conditions cases where the client had a disability and they requested a reasonable accommodation.

Distribution of Assisted Housing



H:\Assisted Housing
Sept 2008.xls

This spreadsheet, prepared by the US Department of Housing & Urban Development, has a wealth of information on the distribution of assisted housing in Hamilton County from 1994 to 2008. It lists each of the Cincinnati neighborhoods and each of the jurisdictions in Hamilton County showing the number of public housing units, the number of project-based units, and the number of households in the jurisdiction with a Housing Choice Voucher. The numbers document a trend toward deconcentration of assisted housing from a few Cincinnati inner city neighborhoods into a wider range of City neighborhoods and into jurisdictions in the County.

Currently there are 24,810 units of assisted housing in all of Hamilton County. That is only a 5% increase (1,079 units) since 1994. However, Cincinnati lost 1,272 units and the balance of Hamilton County gained 2,393 units since 1994.

The best measure of concentration is assisted units as a percent of all households in a neighborhood compared to the countywide percentage. In 2008, 7.09% of the households in all of Hamilton County had assisted rent. 12.94% of the households in Cincinnati had assisted rent and 2.72% of the households in the balance of Hamilton County had assisted rent. The concentrations in a sample of areas include:

Avondale	29.7%
Golf Manor	11.8%
Total County	7.1%
Westwood	6.6%
Springfield Township	6.5%
Colerain Township	2.2%

Stable Integrated Communities

A 2007 research project studied integrated communities in Hamilton County over several decades. The project was sponsored by a civic organization, the Cincinnati Association, and funded by the Wilder Foundation. The demographic analysis was conducted by Charles F. Casey-Leininger, Ph.D. The group interviews were conducted by Erinn L. Green, Ph.D. The full report is available at:

<http://www.cincinnatiassoc.org/attachments/1/stable.pdf>

Gold Medal (30 years as a stable integrated community) – Central Business District/Downtown, Corryville, and Madisonville.

Silver Medal (20 years as a stable integrated community) – College Hill, East Walnut Hills, Fairview/Clifton Heights, City of Forest Park, Kennedy Heights, Mt. Airy, North Avondale/Paddock Hills, Northside, Pleasant Ridge, University Heights, and Spring Grove Village (Winton Place).

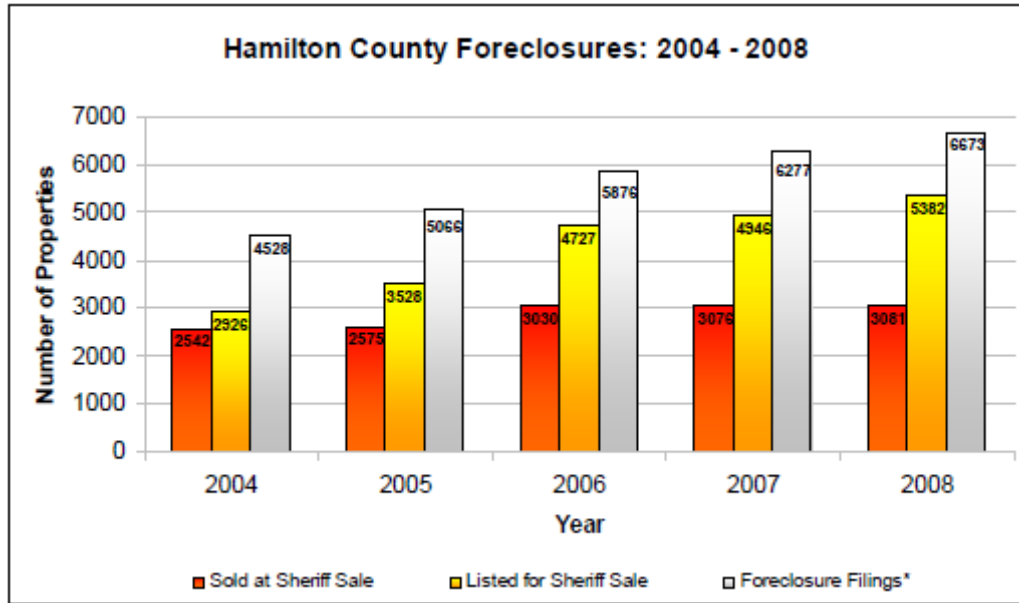
Bronze Medal (10 years as a stable integrated community) – Camp Washington, Clifton, Hartwell, South Fairmount, Westwood East, Finneytown (Springfield Township), City of Mt. Healthy, Mt. Healthy Heights (Colerain Township), Pleasant Run Farms (Springfield Township), and City of Springdale.

Foreclosures in Hamilton County

The American home foreclosure crisis has impacted African Americans in Cincinnati and Hamilton County at higher rates than other racial and ethnic groups.

This section looks at recent foreclosure data, while the next section looks at data on lending discrimination. Clearly these two issues have a direct relationship. High-cost, subprime loans lead to foreclosures. In 2006, the Center for Responsible Lending predicted one in five subprime mortgages would fail in 2008 and 2009. In August 2008, based on a continued down housing market and acceleration in foreclosure rates, the Center updated its report to predict one in three subprime loans will be in foreclosure by the end of 2009. *Updated Projections of Subprime Foreclosures in the United States and Their Impact on Home Values and Communities*, Center for Responsible Lending, 2008.

Between 2004 and 2008, foreclosures in Hamilton County increased by 47%. In all, 14,304 homes have been foreclosed upon during that period.



(Source: *The Crisis Next Door: A Study Of Foreclosures In Hamilton County In 2008* by Working in Neighborhoods.)

While no community in Hamilton County has been immune from the foreclosure epidemic, six out of the ten most impacted communities in 2008 have African American populations higher than the county average of 24%. This table measures impact not by the most foreclosures, but by the foreclosure rate. In this way, the impact on smaller communities that have a high foreclosure rate is considered.

Top 10 Impacted Hamilton County Municipalities in 2008

Ranking Municipality	# Owner occupied	Foreclosures 2008	Estimated foreclosure rate	Percent African American
1 Cleves	729	28	3.84%	< 1%
2 Golf Manor	985	36	3.65%	64%
3 Lockland	774	27	3.49%	27%
4 Elmwood Place	492	17	3.46%	6%
5 Arlington Heights	221	7	3.17%	4%
6 Lincoln Heights	567	17	3.00%	99%
7 Forest Park	4,602	134	2.91%	58%
8 Cincinnati	57,655	1355	2.35%	44%
9 Woodlawn	731	17	2.33%	69%
10 St. Bernard	1,314	30	2.28%	7%
Hamilton County	207,591	6,673	3.21%	24%

(Source: *The Crisis Next Door: A Study Of Foreclosures In Hamilton County In 2008* by Working in Neighborhoods and US Census 2000)

Also, seven of the ten hardest hit neighborhoods in the City – in terms of number of foreclosures –are predominantly African American: College Hill, Madisonville, Evanston, Northside, Avondale, Roselawn and Bond Hill. (Source: *The Crisis Next Door* and the United States Census.) The city of Cincinnati, according to 2007 population estimates, is 44.7 percent African American.

2008 Ranking	City/Township	Completed Foreclosures 2008	Completed Foreclosures 2007 (Ranking)	Completed Foreclosures 2006 (Ranking)
1	Westwood	166	148 (2)	136 (3)
2	West Price Hill	137	169 (1)	141 (2)
3	East Price Hill	102	127 (3)	181 (1)
4	College Hill	92	80 (7)	89 (6)
5	Madisonville	79	90 (4)	80 (8)
6	Evanston	75	64 (9)	91 (5)
7	Northside	64	88 (5)	89 (6)
8	Avondale	63	85 (6)	94 (4)
9	Roselawn	55	44 (11)	31 (14)
10	Bond Hill	45	66 (8)	64 (10)

(Source: *The Crisis Next Door: A Study Of Foreclosures In Hamilton County In 2008* by Working in Neighborhoods.)

Of the ten Cincinnati neighborhoods where foreclosure rates are accelerating, five of those neighborhoods are predominantly African American: College Hill, Roselawn, Evanston, Pleasant Ridge and North Avondale.

Neighborhood	2008 Completed Foreclosures	2007 Completed Foreclosures	Change	% Change
Westwood	166	148	18	12%
College Hill	92	80	12	15%
Roselawn	55	44	11	25%
Evanston	75	64	11	17%
Pleasant Ridge	26	19	7	37%
Columbia Tusculum	13	8	5	63%
Hyde Park	11	7	4	57%
CUF	34	30	4	13%
Sayler Park	18	15	3	20%
North Avondale	19	16	3	19%

(Source: *The Crisis Next Door: A Study Of Foreclosures In Hamilton County In 2008* by Working in Neighborhoods.)



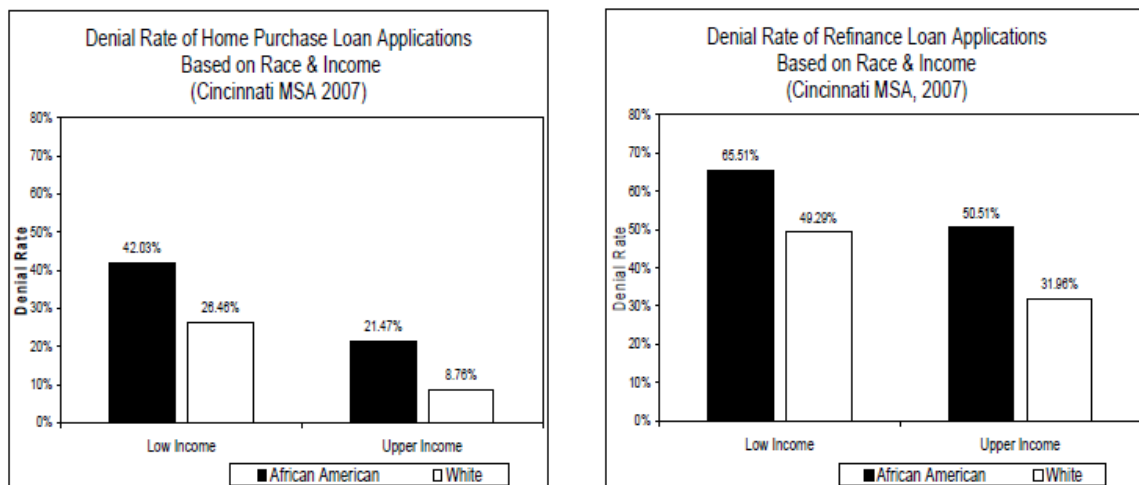
Lending Disparities

African American homebuyers face significantly higher mortgage rejection rates than whites, regardless of income.

According to the February 2009 report, *Persisting Racial & Ethnic Disparities in Ohio Mortgage Lending* by the Housing Research & Advocacy Center, African Americans mortgage applicants in greater Cincinnati are rejected at much higher rates than their white counterparts with similar incomes.

Low-income African Americans are one-and-a-half times more likely to be rejected for an initial new purchase mortgage than low income whites, 42.03% to 26.46% respectively. High-income African Americans are nearly two-and-a-half times more likely than high-income whites to be rejected on new purchase mortgage applications, 21.47% to 8.76% respectively.

The picture is similar for African Americans seeking to refinance homes. Mortgage lenders reject 1.33 refinance applications from low-income African Americans for every one application from low income whites, 65.51% to 49.29% respectively. Mortgage lenders in greater Cincinnati reject 1.6 refinance applications from high income African Americans for every one refinance application rejected from high income whites.



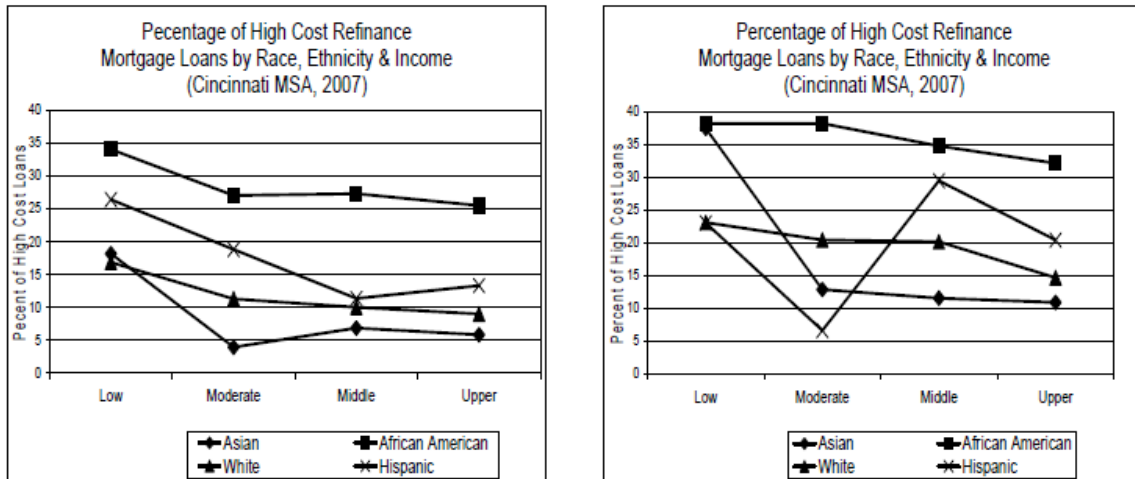
(Source: *Persisting Racial & Ethnic Disparities in Ohio Mortgage Lending* by the Housing Research & Advocacy Center, Feb. 2009. Accessible online via <http://www.thehousingcenter.org/Files/Download-document/61-Persisting-Racial-Ethnic-Disparities-in-Ohio-Mortgage-Lending-February-2009.html>)

African Americans are more likely to have high-cost subprime mortgages – regardless of income – than similarly situated Latinos, whites, and Asian Americans.

According to *Persisting Racial & Ethnic Disparities in Ohio Mortgage Lending*, 35% of African Americans (averaged across income levels) who receive initial purchase mortgages receive high-cost subprime mortgages with higher interest rates and associated fees. This compares to an average of 22% of Latino borrowers, 15% of white borrowers, and 12% of Asian American borrowers.

Similarly, when African Americans refinance mortgage loans, 42% (averaged across income levels) receive subprime loans, compared to 27% of Latino borrowers, 21% of white borrowers, and 22% of Asian American borrowers.

Because African Americans are sold subprime loans at higher rates – regardless of income – it appears that race is an overly large factor in lending decisions by mortgage lenders in greater Cincinnati.



(Source: *Persisting Racial & Ethnic Disparities in Ohio Mortgage Lending* by the Housing Research & Advocacy Center, Feb. 2009. Accessible online via <http://www.thehousingcenter.org/Files/Download-document/61-Persisting-Racial-Ethnic-Disparities-in-Ohio-Mortgage-Lending-February-2009.html>)

An earlier study commissioned by the City of Cincinnati on lending practices was conducted by the National Community Reinvestment Coalition using 2004 data. It found similar disparities. In the city of Cincinnati, only 9.59% of all-single family loans to whites were subprime, whereas 33.23% of loans to African-Americans were subprime. Further, while whites comprised 63.88% of the households in the City of Cincinnati, they received 81.99% of total prime loans made, a ratio of 1.28:1. In contrast, African-Americans comprised 33.56% of households but received only 16.41% of total prime loans, a ratio of 0.49:1. *Closing the Credit Gap and Expanding the Credit Opportunity: The CRA and Fair Lending Performance of Financial Institutions in the City of Cincinnati*, National Community Reinvestment Coalition, 2006.

Banks locate fewer branches in minority and low-income neighborhoods than in white and high-income areas

NCRC's 2006 report also found a dearth of bank branches in minority neighborhoods. Affordable financial products – home loans, checking accounts, and savings products – are less available to the people who need them most. Without these services, the ability for low-income people to build assets and rise out of poverty is impeded.

Despite the fact that 51.02% of the City of Cincinnati's population lives in low to moderate income census tracts, only 28.3% of bank branches were located there. While 33.90% of the City of Cincinnati's population resided in predominantly minority census tracts, a small 13.80% of branches were located there.

CONCLUSION: African American borrowers, regardless of income, are less likely to receive mortgage loans for homes, and when they do, they are far more likely to receive less favorable terms and conditions than similarly situated Latinos, whites and Asian Americans. Subprime loans are more likely to lead to home foreclosures.

Homeless People with Disabilities

A 2009 report to Cincinnati City Council, "Homeless to Homes," reported data on the number of single people who were homeless and had disabilities. This is relevant to a fair housing analysis because people with disabilities are protected from housing discrimination under the Fair Housing Act. The report can be found at <http://www.cincinnatioc.org/docs/Homeless%20to%20Homes.pdf>

This data does not include the number of homeless families. During the January 2009, Point in Time count, on one of the coldest nights of the year, 114 families with children were homeless in Hamilton County.

Single Men

From October 1, 2007, through September 30, 2008, there were 2,746 different single homeless men housed within the emergency shelter system and another 267 men were served in street outreach.

Within the data system used by homeless service providers, “special needs” are defined as issues that affect the client’s ability to find and maintain housing. They do not necessarily indicate that a person has been diagnosed with a condition. Rather, they are used by providers to indicate the specific supportive services a client needs, a man may have zero, one, or multiple special needs. Special needs of single men in 2007–2008 were:

<i>Special Need</i>	<i>Men with Special Need</i>	<i>Percentage of Men Sheltered</i>
Alcohol Abuse	1733	63%
Drug Abuse	1600	58%
Mental Illness	1078	39%
Dual Diagnosis	901	33%
Physical/Sensory	835	30%
Developmental/Cognitive	234	9%
HIV/AIDS	77	3%

Single Women

Between October 1, 2007, and September 30, 2008, there were 564 different single homeless women housed within the Emergency Shelter system. Over a three-year period, the data show a substantial decline in the number of single homeless women sheltered in Cincinnati, from a high of 826 women in 2005–2006 to 564 in 2007-2008. Special needs of single women in 2007-2008 were:

<i>Special Need</i>	<i>Women with Special Need</i>	<i>% of total women sheltered</i>
Mental illness	349	62%
Drug abuse	211	37%
Alcohol abuse	193	34%
Physical/sensory disability	126	22%
Developmental/cognitive disability	66	12%
HIV/AIDS	14	2%

Human Relations Survey

Bridges for a Just Community sponsored survey research in 2004 and again in 2007 to measure inter-group relations in the greater Cincinnati area. In addition to race, the Bridges Report looked at Hispanics, Gays & Lesbians, Jews, Muslims, Asians and women. The report is titled *Progress Report on Human Relations* and is available at www.bridgescincinnati.org/progress_report_on_human_relations.

- Five percent of residents cited race relations as the top issue facing the area in 2007, which is down from 22% in 2004.
- Hispanics were more than three times as likely as African Americans and more than four times as likely as Whites to say race or police relations were the top issues facing the region.
- More than one in four or 29% of African Americans reported experiencing at least one instance of unfair treatment in stores, at work, by police, in the courts and in other situations in the last 30 days, which is unchanged since 2004. Unfair treatment of African Americans is higher than for either Hispanics or Whites. The Cincinnati area is not an exception in this regard: Unfair treatment of African Americans is at the same level nationally.
- At 21%, contact with Muslims by other social groups is less than half the level of contact with Asians, the next most distant group.
- Latinos reported having far less contact with whites and African Americans, than whites and African Americans have with one another. Ninety-six percent of African Americans reported having regular interactions with whites, and 90% of whites reported having regular contact with someone who is African American. Seventy-four percent of Latinos, on the other hand, reported that they have regular interactions with whites, and only 56% of Latinos reported having regular contact with African Americans.

IV ANALYSIS OF LEGAL FRAMEWORK

Federal Law

The primary relevant law is the Federal Fair Housing Act. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability). There are other Federal laws and Executive Orders that deal with related issues, particularly with discrimination and accessibility in Federal funded programs. A comprehensive listing is available at www.hud.gov/offices/fheo/FHLaws/index.cfm.

Ohio Law

Ohio's civil rights law is found at O.R.C. 4112. Until recently HUD has considered Ohio's law substantially equivalent to the Federal Fair Housing Act. Because of the substantial equivalency, HUD refers complaints to the Ohio Civil Rights Commission for investigation and enforcement under Ohio law. Recently, several Ohio court decisions have narrowly interpreted Ohio's law in ways that are significantly different from Federal court interpretations. Currently HUD has put the state on notice that unless legislative corrections are made, it will remove the "substantially equivalent" certification and no longer refer complaints to the state. Because HUD pays the Ohio Civil Rights Commission for handling housing cases, this would result in a substantial loss of revenue for the state.

Ohio amended its law effective March 2008 to include military status as a protected class. Landlords and other housing providers may not deny housing or treat someone differently because of their military status, including status as a veteran. Such discrimination was not a problem in Hamilton County, but was noted in areas around military bases.

Local Ordinances

Cincinnati protects several classes from housing discrimination that are not included in the Federal or state law. In Cincinnati it is illegal to discriminate in housing on the basis of marital status, Appalachian regional ancestry, and sexual orientation. (Cincinnati Municipal Code, Sec.914). The ordinance states that a complaint may be filed with the City Solicitor, but no information was found indicating any complaints had ever been filed.

At the time of the 2004 Analysis of Impediments, the protection from discrimination based on sexual orientation was still uncertain due to a series of charter amendments in which voters went back and forth on the issue. Currently in the metropolitan area, Cincinnati and Covington, Kentucky, have local ordinances protecting people from housing discrimination based on sexual orientation.

Cincinnati also has an ordinance prohibiting discrimination against tenants who have government housing assistance, such as a Section 8 Housing Choice Voucher, Cincinnati Municipal Code, Sec.740-11. This ordinance is generally unknown and no information was found indicating it had ever been enforced.

Sec. 740-11. Discrimination Against Government Housing Allowance Recipients Forbidden.

It is unlawful for owners of residential rental units or their agents to refuse to rent a vacant dwelling unit, to evict any person or otherwise discriminate in the terms of tenancy solely because a tenant or prospective tenant is a holder of a Certificate of Family Participation under the Section 8 Existing Housing Program of the Housing and Community Development Act of 1974, as amended, or is a recipient of any other government housing allowance program.

Sec. 740.99. Civil Remedy

The rights granted by Section 740-11 may be enforced by civil action. The court may grant injunctive or other relief, and award to the tenant actual damages or \$300, whichever is greater, and punitive damages, together with court costs, and shall award reasonable attorney fees to a prevailing tenant.

In 2001, the City Council passed an ordinance that is commonly referred to as the Impaction Ordinance. It states that, in “impacted areas,” the City will “Oppose the construction of new publicly-assisted low-income rental units unless the construction reduces the concentration of poverty or are intended for occupancy by the elderly.” Because of its ambiguity, the Impaction Ordinance has had a chilling effect on affordable housing development in the City. It is unclear how building an assisted low-income rental housing unit anywhere within the City could reduce the concentration of poverty. There has been almost no new construction of affordable rental housing in the City since the Ordinance was adopted. Under the impaction ordinance, rehabilitation of affordable units is still permitted, as long as the percentage of affordable units does not increase from when last occupied. It should be noted that even prior to the adoption of the Impaction Ordinance, the majority of residential units, including affordable rental housing units, that have been developed, are rehabilitations of existing units and not new construction

Lawsuits and Complaints

The 2004 Analysis of Impediments listed two lawsuits which were pending at the time:

Farmer v. City of Cincinnati was filed in early 2004. The plaintiffs alleged that the City acted unlawfully in the closure and demolition of the Huntington Meadows apartment complex and asked that the Huntington Meadows site be redeveloped to provide affordable low-income housing. In 2008 the plaintiffs dismissed the case. There was an out of court settlement, with undisclosed terms. Market rate single-family homes now occupy the Huntington Meadows site.

English Woods Civic Association/Resident Community Council v. Cincinnati Metropolitan Housing Authority was filed in early 2003. The plaintiffs alleged that CMHA acted inappropriately in seeking to vacate and demolish the English Woods public housing project. A trial was held in late 2005. The U. S. District Court ruled that CMHA had not violated the Fair Housing Act or public housing laws

The 2004 Analysis also discussed a pending civil rights complaint filed against the City by Stanley Broadnax, MD. The complaint made a number of allegations, including that black neighborhoods and developers had been denied access to funds for community development over several decades. The US Department of HUD, Columbus Fair Housing and Equal Opportunity Center conducted a Compliance Review of the City's housing, economic, and community development programs. The review did not support a conclusion that the City operated its CDBG and HOME funded programs in a discriminatory manner. The review of programs administered by sub-recipients of the City demonstrated minority participation rates at or above the 47.5% minority population of the City. However, HUD did find that racial and ethnic data on participants was not being properly collected and maintained for some programs. HUD and the City entered into a Voluntary Compliance and Corrective Action Agreement on the collection of data and maintenance of records.

Robinson v. CMHA was filed in 2008. The Plaintiff, a victim of domestic violence in her public housing unit, alleges CMHA refused to transfer her to other housing. She contends CMHA's policy and practice violates the Fair Housing Act and equal protection. The Court declined to order a preliminary injunction. The case is pending in U. S. District Court.

In 2008 the U.S. Department of Justice settled a sexually harassment case under the Fair Housing Act against James Mitchell, a landlord that owned approximately 50 properties in the Cincinnati area. The case settled on the eve of trial in U.S. District Court for \$1 million and an agreement that Mr. Mitchell would never again manage rental property. The case was referred to the Department of Justice by HOME when it received complaints that Mr. Mitchell was preying on his low-income female tenants. The Department of Justice identified 12 victims who participated in the settlement. The Department of Justice has jurisdiction to bring fair housing cases where there is a "pattern and practice" of discrimination.

An individual case of racial discrimination was decided in Federal District Court in Cincinnati in 2008. *Spicer v. Both Corp.* involved a woman who called about a For Rent

sign in Cincinnati's East End. The owner of the property responded with a voicemail that the judge described as "vicious racial epithets" and "offensive language." The woman contacted HOME which referred her to a cooperating attorney. The woman was awarded \$26,000 in damages.

Fifth Third Bank settled a complaint alleging racial discrimination in mortgage lending in 2006 for \$125,000 in damages for the victim plus significant community investment in the greater Cincinnati area. The bank said the black family's loan was denied because of their credit history, but a HUD investigation showed that applications from white families with much worse credit were being approved.

Section III of this report includes data on fair housing complaints received by Housing Opportunities Made Equal (HOME).

V FAIR HOUSING ACTIVITIES

The purpose of this chapter is to review the major fair housing activities in Cincinnati and Hamilton County, including activities of the City, the County, the housing authority, the private fair housing agency, and other private advocacy and nonprofit service agencies. It also includes a review of action on the recommendations made in the 2004 Cincinnati and Hamilton County Analysis of Impediments to Fair Housing.

Housing Opportunities Made Equal (HOME)

HOME conducts a number of fair housing services funded through CDBG, a direct HUD grant, United Way, and other small grants and contracts.

Client Services: People who feel they have experienced illegal discrimination call HOME and talk with staff who counsel them, help gather evidence, and advise them of their enforcement options. Options include HOME staff intervention which is often effective if the client still wants the housing, private mediation, filing an administrative complaint with HUD or the Ohio Civil Rights Commission, or working with a cooperating attorney to file a lawsuit in court. Section III of this report discusses the number and types of complaints received by HOME.

Systemic Testing and Audits: In addition to gathering evidence based on individual complaints, HOME proactively tests the housing market in the greater Cincinnati area to uncover discrimination that may not be apparent to people seeking housing. It sends out secret shoppers in pairs to see whether home seekers are treated differently based on race or children. While most of the tests showed no discrimination, the knowledge that HOME is constantly testing the market is a strong deterrent to illegal discrimination. HOME also audits multifamily construction to ensure it meets the Fair Housing Act minimal accessibility requirements and monitors advertising. In the last several years as classified advertising moved to unregulated websites, there has been a substantial increase in discriminatory advertising. In 2008 HOME filed 14 cases based on discriminatory advertising on Craigslist.

Education and Training: HOME provides training for housing providers including Realtors and landlords and also for housing consumers. Classes are offered through Boards of Realtors, the Homebuilders Association, the Apartment Association, the Real Estate Investors Association, and special classes for landlords in the Section 8 program. In addition, HOME provides in-house classes for private real estate companies and property management firms. Consumer presentations on fair housing rights are made at human services staff meetings, church groups, community councils, and university classrooms. In 2007 HOME received a 5-year grant from the Ohio Developmental Disabilities Council to

conduct training on accessibility and visitability issues for Realtors, landlords, and architects. This training is conducted jointly with the Inclusion Network.

Mobility: HOME provides a Mobility program with City CDBG funding. The purpose of the program is to help families with Section 8 rental assistance find housing outside the central city in areas with low poverty rates. The program was larger in previous years and currently involves only one staff person who recruits landlords, screens tenants before referring them to the landlords, and acts as an ombudsman in resolving issues with the Section 8 program. Because voucher holders are over 90% African American in Hamilton County and the low poverty communities are predominantly White, the program also furthers racial integration.

Housing Planning in the First Suburbs: HOME works with the Hamilton County Regional Planning Commission to provide a professional planner to work with small First Suburb communities on housing issues. The program is funded by United Way and focuses on one community a year. The housing planner assists the community in analyzing changes in the housing market, often changes involving an aging housing stock and reduced homeownership, and helps them develop strategies to improve housing in the community. The program helps the communities realistically address housing issues and reduce tension around increased racial and social-economic integration.

Foreclosure Prevention: HOME also provides a foreclosure prevention program that is funded by United Way. The service is an outgrowth of earlier attempts to reduce predatory lending targeted at minority communities. Over 50% of the homeowners HOME helps are African American. Several other nonprofits in Hamilton County also provide foreclosure prevention services. To the extent the foreclosures exist because of lending discrimination and targeting African Americans with predatory loans, these programs can be considered fair housing activities.

Housing Mediation Service: HOME sponsors a Housing Mediation Service jointly with the Greater Cincinnati/Northern Kentucky Apartment Association and the Real Estate Investors Association of Greater Cincinnati. The services of professional mediators are available free to tenants and landlords to resolve fair housing issues or other housing disputes. The Mediation Service is particularly valuable in resolving disputes between tenants with disabilities and landlords concerning requests for reasonable accommodations under the Fair Housing Act.

City of Cincinnati – Major Fair Housing Activities

The City uses CDBG funds to support the fair housing compliance and education programs of Housing Opportunities Made Equal.

The City uses CDBG to fund the Mobility Program operated by HOME to assist families who have a Section 8 voucher, currently live in the City, and want to move to low-poverty areas of Hamilton County. Most of the moves are racially integrative as well as mixed-income.

The City requires affirmative marketing plans as part of the application process in the Rental Rehabilitation Program and the Notice of Funding Availability (NOFA) for housing funding.

In 2008, the City began a Tenant-Based Rental Assistance program to provide affordable housing and housing choice to people with disabilities. The City contracted with Hamilton County to administer the program in conjunction with a similar County program. The vouchers work like Section 8 by subsidizing rents in the private rental market. At full capacity the program will serve about 80 households.

The Cincinnati Real Estate Ambassador program is a partnership between the Cincinnati Area Board of Realtors, the City of Cincinnati Office of the Mayor, the city's Department of Community Development and the Home Ownership Center. The mission of the Cincinnati Real Estate Ambassadors is to provide and then use the knowledge and training of Realtor participants to promote urban living and to help increase the homeownership rate in the City of Cincinnati. The neighborhood tours are popular with the Realtors.

The City funds People Working Cooperatively to make accessibility modifications for low and moderate income homeowners. There is a waiting list for the program. The program is not available to renters.

The City Solicitor's office is not aware of any complaints made to the City under the City ordinances prohibiting housing discrimination based on marital status, Appalachian origin, sexual orientation, or government rental assistance.

The Legal Aid Society is funded by the City to provide Emergency Mortgage Assistance to homeowners in danger of foreclosure. Because Black neighborhoods were targeted with predatory lending, 83% of the homeowners served by the program in 2008 were African American although only 27% of the homeowners in Cincinnati are African American.

The Cincinnati Human Relations Commission was formed in 1943 as the Mayor's Friendly Relations Committee. Its mission is to build understanding among the citizens of Greater Cincinnati; and to eliminate prejudice, intolerance, and discrimination through

collaboration with other community entities, connecting cultures and communities, and convening citizens around important issues. The Commission members are appointed by the Mayor and City Council.

The CRA Committee discussed in the 2004 Analysis of Impediments is no longer active. It was created to analyze Home Mortgage Disclosure Act (HMDA) data and establish clearer expectations for lenders who wish to demonstrate their community development efforts for the purpose of meeting Community Reinvestment Act (CRA) guidelines. Creation of the committee was a recommendation of the 2000 Analysis of Impediments.

A Cincinnati Fair Housing Committee was established by the City to advise on fair housing issues. It has not met in years.

Hamilton County – Major Fair Housing Activities

The County supports Housing Opportunities Made Equal's fair housing compliance and education program with CDBG funding.

The County has a long-standing Tenant Based Rental Assistance program to provide affordable housing and housing choice to people with disabilities. Approximately 70% of the County's HOME funding is used for the TBA program. In 2008, the County began administering an identical program for the City of Cincinnati. The program works like the Section 8 voucher program, but is much smaller, serving a few hundred families compared to the 10,000 families served by the CMHA Section 8 program.

The County ran a Housing Choice Voucher (Section 8) program until 2006 when the Hamilton County Board of Commissioners voted to end their administration of the program. HUD transferred the approximately 3,000 vouchers to CMHA to administer. Reasons for the County ending its involvement in the voucher program varied. The County was fully reimbursed by HUD for the cost of the program, so there was not a budget benefit. Some expressed concern about duplication with the CMHA program. The program also had become controversial as more County jurisdictions complained about families with vouchers moving into their communities.

The County funds a Foreclosure Prevention Program. The four housing counseling agencies served 259 clients in 2008. Although only 8% of the homeowners in the County (outside Cincinnati) are Black, 55% of the homeowners served by the Foreclosure Prevention Program were Black.

The County has an Affirmative Marketing Plan that is part of their agreement for any housing development or rehabilitation projects receiving county funding.

For years, the County maintained a Fair Share Plan that allocated low-income housing among the many jurisdictions in the County. It was used by CMHA when they bought properties with County funding (Affordable Housing Program) or with HUD public

housing funding. The agreement expired at the end of 2006. Over the years, the Fair Share Plan and fear of public housing caused several jurisdictions to opt-out of the County CDBG program, losing the benefits of the funding and countywide services funded by CDBG. . However, with the exception of Newtown, all of the communities that had previously opted out for a three-year period have now rejoined. The other seven communities that don't participate have not participated for most of the 34 years of the Program.

The County enforces the fair housing design and construction accessibility requirements for new multifamily buildings through the Department of Building Inspections. It is responsible for issuing Building Permits within the unincorporated townships of Hamilton County and eight contract jurisdictions. The Ohio Building Code incorporates the Fair Housing accessibility requirements.

The County funds People Working Cooperatively to make accessibility modifications for low and moderate income homeowners. There is a waiting list for the program. The program is not available to renters.

The Hamilton County Regional Planning Commission partners with Housing Opportunities Made Equal on a United Way-funded project that provides housing planning services to the First Suburbs. These are the older jurisdictions in the county outside the City of Cincinnati that have aging housing stock and related urban problems. The housing planner works with individual communities to help them assess the housing in their community and develop strategies for maintaining and improving the quality of housing. The program helps the jurisdictions understand the realities of the housing market and develop practical inclusionary strategies.

Cincinnati Metropolitan Housing Authority

Public Housing

The Cincinnati Metropolitan Housing Authority (CMHA) is a public housing authority formed under the laws of Ohio that is governed by an independent Board of Commissioners. Its jurisdiction includes all of Hamilton County. The City of Cincinnati and the Hamilton County Commissioners appoint board members. HUD has designated CMHA a high performing housing authority.

CMHA owns and manages a portfolio of 5,305 public housing units, including large family developments, senior buildings, and scattered site units throughout the county. CMHA residents are 97% Black. The public housing waiting list is 86% Black.

There currently are an insignificant number of Hispanic or immigrant residents in public housing. Five years ago CMA had some refugee families at Winton Terrace, but Catholic Social Services, the local refugee sponsor, no longer refers them. There were concerns about the safety of the families. Catholic Social Services currently has one unit at Millvale that is used as transitional housing when the refugee families first arrive. CMHA

has a Limited English Proficiency Plan in place that uses Catholic Social Services for translation services.

CMHA has tried recruiting White residents with little success. Several years ago they had a major advertising campaign and did target marketing in the Appalachian neighborhoods. Currently CMHA has a 99% occupancy rate and does little marketing.

Like many metropolitan housing authorities nationally, CMHA has closed several large, older projects in the last decade. At the same time it has purchased scattered site units that are dispersed throughout the County. These units are single-family homes, duplexes and small multifamily buildings that usually are not recognizable as public housing. CMHA currently has about 500 units of scattered site public housing. They own another 118 units under an Affordable Housing Program purchased with County HOME funds which are not public housing and do not have subsidized rent, but must adhere to the HOME Program rent limits. In 1994, about 3% of the public housing was outside the City of Cincinnati. In 2008, about 10% is outside the City. The most recent purchases, however, have been in White low-poverty neighborhoods within the City (Hyde Park, Mt. Lookout, and Mt. Washington).

According to CMHA staff, they look for opportunities to purchase in low-poverty neighborhoods with little assisted housing. Members of the CMHA Board of Commissioners have publically stated that they will not approve any purchases on the west side of the County. The “Westside” is perceived as having a concentration of families with Section 8 vouchers, although the large townships west of the City actually have very little assisted housing. (Green Township has less than 1% assisted housing; Delhi Township has about 1%.)

CMHA property management staff received training in 2008 on the fair housing rights of people with disabilities. Complaints received by HOME from CMHA residents are primarily from people with disabilities and are usually resolved quickly when brought to the attention of supervisory staff.

Housing Choice Vouchers (Section 8)

CMHA also administers a Housing Choice Voucher program, which provides rental assistance to eligible individuals and families. CMHA qualifies the voucher holders who then must find housing in the private rental market. Approximately 90% of voucher holders are Black. There are not significant numbers of Hispanic or other ethnicities, although a few Russian immigrant families are on the program. Approximately 35% of the voucher holders have someone with a disability in the household. There is a huge demand for the vouchers. The waiting list currently has over 8,000 names and has not been open since 2007, when it was opened for two days and received more than 12,000 requests.

In 1994, CMHA administered 5,500 rental assistance vouchers. In 2008 it administered 10,800. This increase in the voucher program is due to a combination of reasons: (1) During the late 1990s there was an increase in available Federal funding. (2) In 2006, the

Hamilton County voucher program was closed by the County Commissioners and HUD asked CMHA to administer the additional 3,000 vouchers. (3) Through enforcement by HUD and opt-out by private landlords, several private project-based developments lost their Federal rent subsidy contracts and the current tenants were given Housing Choice Vouchers.

Because Hamilton County has had a relatively soft rental market, voucher holders have been able to find rental housing without too much difficulty. CMHA does not offer support in helping families make integrative moves or moves to low-poverty areas other than noting that rent subsidies may be higher in suburban “exception rent” areas and encouraging new voucher holders at the initial briefings to look in these areas. It provides information on HOME’s Mobility program, which receives City CDBG funds.

The Housing Choice Voucher program has contributed to a significant decrease in the concentration of poverty in the inner city and a related increase in racial integration in many neighborhoods in the County. See “Distribution of Assisted Housing” in Section III of this report. However, concerns have been expressed by several communities that voucher holders are re-concentrating in certain areas. The backlash against the Housing Choice Voucher program has resulted in a large community relations problem for the housing authority and pressure to reduce the number of vouchers or find ways to cap the number of voucher holders allowed in certain neighborhoods. The turmoil around these issues has resulted in a turnover in management at CMHA.

One response of the CMHA Board to concerns about where voucher holders are locating is to move in the direction of making more of the vouchers project-based. This means that rather than the voucher being given to a family who decides where they want to live, the voucher will be given to a housing provider and linked to a specific unit. The CMHA Administrative Plan calls for placing the vouchers with housing providers who will offer supportive services to family, elderly or disabled populations. Proposed site selection standards refer to census tracts where the poverty rate is 15% or less, but with the huge exception “unless the project is documented as one that affirmatively furthers one or more of the agency’s local goals” for project based vouchers. The goals include meeting the needs of hard-to-serve or special needs populations, preserving “vital housing communities” or expanding “quality affordable housing opportunities.” The exceptions could justify funding new projects in any inner city high-poverty neighborhood.

Center for Independent Living Options

The Center for Independent Living Options (CILO) is a nonprofit agency serving the Cincinnati area providing services to people with disabilities. It does not own and manage property itself, but housing is one of the primary issues it addresses. It provides housing referral assistance to people seeking affordable and accessible housing and manages a Homeless Housing Services program to help people with disabilities secure permanent housing. Specific fair housing activities include:

CILO is part of the Home Choice Program, a statewide effort to allow persons with disabilities to leave nursing homes and live independently or with home-based health assistance. A major barrier is the lack of affordable and accessible housing in the Cincinnati area.

CILO works with Hamilton County in taking applications for the tenant-based-assistance voucher programs.

CILO is a strong advocate for people with disabilities and their right to live integrated in the community. It speaks up to the housing authority and in the community about the importance of rental assistance vouchers that give people with disabilities housing choice.

CILO works with HOME to educate consumers on their fair housing rights and refers consumers to HOME when they encounter discrimination.

CILO also conducts outreach to landlords on the need for accessible housing and the tenants' right to reasonable accommodations and reasonable modifications. It advises consumers on modifications. One major frustration is the lack of funding for modifications of rental housing.

Promotion of Stable Integrated Communities

In 2007, a civic organization called the Cincinnati Association released a research study on racial integration in Hamilton County. To the surprise of many, the study found 15 healthy communities that have been stable and integrated for over 20 years.

The interest of the Cincinnati Association in local housing patterns was stimulated by (1) a 20-minute videotape excerpt from *Race: The Power of an Illusion*, a PBS documentary, which depicted the historic foundations and continuing manifestation of housing discrimination throughout the United States, shown to the members in February, 2005, and (2) a personal incident the next month involving a past member of Cincinnati.

The incident was an unsolicited telephone call from a local Realtor telling him of the many recent home sales in the neighborhood where he lived (Westwood). The caller did not mention that many of the sales were to African-Americans (which was generally known throughout the neighborhood), but did mention that he already had many listings from neighbors of the person being called. He then asked that person when he planned to sell his home. Responding explicitly that he had no plans to move, he abruptly ended the conversation and hung up. However, he was angry at what he believed was an attempt to disrupt the neighborhood's successful integration and the assumption that he would want to sell because of the race of his new neighbors. He also felt strongly that there is a market for the kind of integrated neighborhood he lived in, and he wanted to see that become broadly known.

With these motivations, a project proposal was sent to the Stephen H. Wilder Foundation asking for funding to find out what had been the history of neighborhood integration in Hamilton County. The proposal was funded with results that can be viewed at www.cincinnatusassoc.org.

Cincinnatus members who are lifelong Cincinnati residents were surprised and delighted to learn about the number of stable integrated neighborhoods and wanted to share them with newcomers and people looking for housing. Cincinnatus volunteers conducted a community education campaign about these “Hidden Treasures,” including presentations to numerous community groups. In 2009, it joined with HOME to publish a marketing brochure about the neighborhoods that real estate companies distribute to potential home buyers.

Of the 15 communities, 14 are Cincinnati neighborhoods and one is a Hamilton County suburb. See section III of this report, page 16, for a list of the communities. The study will be updated with data from the 2010 Census. While it is likely that several County jurisdictions will join the list of stable integrated communities with the new Census data, there is concern that two of the City neighborhoods are undergoing gentrification and losing Black population. The Central Business District and Corryville may no longer meet the researchers’ definition of “integrated.” Both of these City neighborhoods have been integrated for more than 30 years.

Services to the Hispanic Community

Several agencies provide housing-related services to the Hispanic population in Hamilton County.

- HOME has fair housing materials in Spanish and in Mam, a native language spoken by Guatemalan immigrants in the Cincinnati area. It has a bi-lingual Client Services Specialist who works with clients and does outreach in the Hispanic community. HOME advertises its fair housing services in the Spanish-language newspaper and uses Hispanic testers to test the rental market for discrimination based on national origin.
- The League of United Latin American Citizens (LULAC) is a national advocacy organization that recently formed a chapter in Cincinnati.
- Su Casa is a program of the Catholic Archdiocese that provides a range of services to the Hispanic community. Santa Maria is a social service agency that services the Price Hill neighborhoods in Cincinnati where there is a significant Hispanic population. Both organizations find that the primary housing issue faced by Latinos in Hamilton County is tenants, especially new immigrants, live in substandard housing and are taken advantage of by landlords who know they are unlikely to complain to the authorities. If they apply for better housing, they are often denied because of a lack of American credit and rental history.

Review of Progress on the 2004 Recommendations

The 2004 Analysis of Impediments to Fair Housing Choice for Cincinnati and Hamilton County made three major “strategic recommendations.” In addition, it incorporated the recommendations of the Housing Advisory Council. Following is a review of these recommendations and progress on implementation.

Strategic Recommendations from 2004

1. **Plan Better** – Create a vision of healthy, vibrant, mixed-income neighborhoods that include affordable housing and also attract higher income residents. It was suggested that such a vision could be created by building on the strengths of the First Suburbs movement, the Hamilton County COMPASS plan, and the Housing Advisory Committee.

Each of these planning efforts had significant involvement from a broad range of perspectives and spoke of the desirability of mixed-income communities. Their implementation has been mixed. As detailed below, while some of the recommendations of the Housing Advisory Council were implemented by individual members, the report was never adopted as a blueprint for cooperative action by the City, County, and housing authority. Five years later, few people who did not directly participate even remember it. Stakeholders say it was most valuable for the dialogue it forced between very different housing interests and the realization that there are many shared goals.

The First Suburbs Consortium is an active organization staffed by the Hamilton County Regional Planning Commission. It has helped the member jurisdictions take a realistic look at the housing market and their housing stock and share best practices and strategies for maintaining healthy communities. A United Way grant provided the services of a professional housing planner to work with First Suburbs. Several jurisdictions have completed housing plans that lay out strategies and practical implementation steps to maintaining healthy mixed income communities. In many cases, implementation begins before the planning is even completed. The officials in one community said the rental property was not a problem because the owners invested in improvements and kept the property maintained. Their main problem was homeowners who no longer could afford to keep their property up. Another community identified as a target area the worst one block street with several 4-family buildings either vacant or in need of substantial repairs. The community’s preferred strategy is to invite CMHA to buy the buildings and develop the area, recognizing that well-maintained public housing would be a value to the community.

2. **Promote Self-Sufficiency** – This recommendation viewed affordable housing as a scarce resource and felt that, in order to improve its image, tenants should be required to become self-sufficient with the goal of no longer needing any government

assistance. It is unclear how this recommendation relates to fair housing, but it was adopted by the housing authority. CMHA established a working preference for the thousands of families on the Section 8 waiting list. However, the preference was suspended in April 2009 because of high unemployment in the general economy and the complexity of implementation.

3. **Generate Public Support** – This recommendation addressed the resistance to affordable housing, which is based on misconceptions and stereotypes. It sought City and County collaboration on a marketing campaign to present the true face of affordable housing using as a model the Housing Minnesota marketing effort. No action was taken on this recommendation.

Housing Advisory Council

The City of Cincinnati and the Cincinnati Metropolitan Housing Authority agreed in early 2003 to create a Housing Advisory Council. Membership on the council included one representative each from City Council, the CMHA board and the County Commissioners to serve as co-chairs. Other members included representatives of five Cincinnati community councils, three political jurisdictions in the balance of the county, the CMHA Executive Director, and one member each from the Greater Cincinnati & Northern Kentucky Apartment Association, the NAACP and the Legal Aid Society. The council submitted its report to City Council and the Hamilton County Commissioners in June 2004. There was a lot of excitement about the potential for improvement and cooperation from the members who participated on the Housing Advisory Council. However, a review of the recommendations shows that few were implemented and today, five years later, the Housing Advisory Council has been all but forgotten. The recommendations were directed at housing policy in general, although several involved fair housing issues.

1. **Retention of Single Family Units for Ownership** – The foreclosure crisis intervened as a major barrier to this objective. Actions which were implemented include using CDBG funds for emergency mortgage assistance and designating more HUD revitalization areas to allow discounted purchases of foreclosed homes being sold by FHA/HUD. The City continues to provide homeownership counseling and downpayment assistance through the Home Ownership Center.
2. **Target Areas with High Voucher Concentrations** – No programs could be found that implement the recommendation of using incentives to reduce voucher concentrations.
3. **Predatory Lending** – Ohio finally passed legislation that went into effect in 2007 prohibiting the worst predatory lending abuses. However, by then homeowners who had been the victims of predatory lending were beginning to face foreclosure and the issue has now become foreclosure prevention.

4. **Community Education** – The objective was to break the stereotypical link between assisted housing and crime and decay by 1) improving citizen perceptions of and acceptance of affordable housing, and 2) increasing acceptance of and appreciation of diversity. The recommended action of extending the operation of the Housing Advisory Council and charging it with progress reporting was not implemented. Recommendations to increase citizen involvement in reporting crime and nuisances were implemented through the Community Problem Oriented Policing program. The recommendation for a public awareness campaign similar to Housing Minnesota was not implemented.
5. **Targeted Rental Rehab** – The objective was to create incentives for high-quality rental property owners in low poverty areas to rent to low income families. The Rental Rehab program is a City-wide program that does not currently target its funding to specific areas of the City. However, the program offers a higher per unit subsidy to developers who use the program for mixed-income properties.
6. **Dispersed Affordable Rental Units** – “Provide on-going funding and support for the CMHA Affordable Housing Program. As part of this effort, the City of Cincinnati and Hamilton County should establish a fund to provide financial assistance for security deposits and/or other relocation costs to low and moderate income families moving to low poverty census tracts throughout Hamilton County. Efforts should also be made to identify rental property owners in the targeted areas who would be willing to rent to low and moderate-income families.” County funding for the purchase of housing by CMHA in dispersed low poverty areas ended in 2005. The City has not funded purchases by CMHA. The City contracts with HOME to provide a Mobility program that recruits landlords in low poverty areas to rent to families with Housing Choice Vouchers.
7. **Progressive Enforcement of Voucher Program Standards** – Since this recommendation was made CMHA has significantly increased its enforcement of standards against both tenants and landlords.
8. **Voucher Program Rental Property Owner Briefing Program** – Although the recommendation was for a voluntary informational program, CMHA established a mandatory briefing program for landlords participating in the Section 8 program.
9. **New Affordable Units for Home Ownership** – The recommended actions included demolition, which the City has increased in the last several years. It plans to spend a significant portion of Neighborhood Stabilization Program funds on demolition of vacant and abandoned properties. Progress on creating new affordable units for home ownership has been much slower. The City does provide development funding through a Notice of Funding Availability (NOFA) process. The County provides at least 15% of its HOME funds for CHDO activities, which have been affordable homeownership development in the communities of Lincoln Heights, Lockland, St. Bernard, and North College Hill.

10. **New Affordable Rental Units** – The cooperation recommended among CMHA, the City, and the County to create new affordable rental units in low poverty areas has not occurred.

11. **Enhanced Web Presence** – The objective was to “Produce a better web presence for low-income housing opportunities” with each organization linking to the other’s website. While each organization has improved their websites, little coordination is evident.



VI IMPEDIMENTS TO FAIR HOUSING CHOICE AND RECOMMENDATIONS

NIMBYism based on Stereotypes

- There is a lack of a positive community vision of diverse, mixed-income communities. This was a major theme of the 2004 Analysis of Impediments. Progress is noticeable with the planning efforts of COMPASS and the First Suburbs and with civic efforts to promote the stable integrated communities identified in the research report sponsored by the Cincinnati Association. However there are still regular “Not In My Back Yard” (NIMBY) outcries from neighbors who fear that low-income people of color will “destroy” their neighborhood even in small numbers. (Note the recent outcry in Mt. Lookout when CMHA bought eight units. The neighborhood previously had no public housing or families with vouchers and is over 95% white.)
- People on Section 8 are stereotyped as lazy criminals who are a blight on the community. The image is of the Black welfare mother who refuses to work or the Black man who is a drug dealer. These stereotypes are basically traditional negative racial stereotypes. Because participants in the Hamilton County Housing Choice Voucher program are over 90% African American, the stereotypes are used to describe families with vouchers. Some stakeholders believe “Section 8” has become the new code word for Black. These stereotypes are much less common in areas like Butler County where voucher holders are about 50% white.
- In the 2006 elections in Hamilton County, several candidates used negative advertising that played on stereotypes and fear of Section 8 to warn voters about their opponents. Phrases like “dangerous influences of drugs and crime,” “blight, crime, and lower property values,” and “our neighborhoods are under siege” were used in mailers to White neighborhoods.
- City housing funding by ordinance must be reviewed by Community Councils. Several projects in the last couple of years have been killed in the planning stage because of vocal neighborhood resistance. For example, Westwood wanted only demolition, not investment in rehab of properties. Roselawn rejected an affordable senior project. Fairmount rejected an affordable homeownership development. The ordinance has a chilling effect, discouraging developers from working in neighborhoods with outspoken resistance. In contrast, there are county jurisdictions that express more openness to affordable housing development; welcoming investment in an aging housing stock. Most notable is Springdale which cooperated with CMHA in the construction of a new senior building.

- Racism and hate language have become more open with the use of internet media. The *Cincinnati Enquirer* encourages online comments on its articles and the discussion often degenerates into thinly veiled racial insults. The feelings are not new, but rather than a community standard that holds such rhetoric hurtful and inappropriate, it now seems legitimate and OK to repeat.

Recommendations

1. The City and the County need to work with CMHA to provide accurate information about the Housing Choice Voucher program, including how the program works, the percentage of elderly and disabled people on the program, and the percentage employed. Accurate information on what constitutes a concentration is also important. In the county as a whole, 7% of the households have assisted rent, yet residents in jurisdiction with much lower percentages believe they have a concentration. The City should ensure that Community Councils that receive City funding and recognition as representing their community conduct outreach and welcome and involve tenants in community meetings. Although the County no longer administers a Section 8 program, its responsibility to affirmatively further fair housing can be met by helping county jurisdictions understand and accept new neighbors with housing vouchers.
2. The City and County should support, encourage, and participate with neighborhood groups who value inclusion and welcome new neighbors, e.g. Greater Anderson Promotes Peace (GAPP). The most effective way to counter vocal efforts to keep certain categories of people out of a community is for others to speak up and welcome new neighbors, whether a racial minority, immigrants or a group home for people with disabilities.
3. The Cincinnati Planning Department and Hamilton County Regional Planning Commission could take the lead in creating a positive image of diverse, mixed income communities. Information and material is available from the Cincinnati Association report on Hamilton County's successful stable integrated communities. An update of the study will be done when the 2010 census data is available. It is expected that several additional communities will be added to the list of those that have been stable and integrated for over 20 years. The City and County could plan recognition events that raise the visibility of those communities as models.
4. Elected officials and candidates should be asked to sign a pledge to refrain from inflaming racism and prejudice and to show respect for all citizens and their neighborhoods in campaign advertising and rhetoric. Such a pledge was developed and used by the Affordable Housing Advocates group after the negative campaigning in Hamilton County in 2006.

Improve the Choice in the Housing Choice Voucher Program

The Housing Choice Voucher program (Section 8) has been successful in providing housing choice to over 10,000 families in Hamilton County, 90% of whom are Black. It has helped deconcentrate poverty and improve racial integration in Hamilton County. However, as people move to new neighborhoods a backlash is putting pressure on CMHA to limit the choices of families with vouchers.

- There is strong pressure on CMHA from communities and elected officials to limit where families with vouchers can live.
- Elected officials and community leaders are vocal about not wanting people with Section 8 vouchers which discourages people from seeking housing in those communities.
- HOME's Mobility program, funded by the City, is the only placement assistance available to families with Housing Choice Vouchers. Because of the soft rental market it is relatively easy for families to find rental housing in low income neighborhoods with landlords who specialize in Section 8. It is much more difficult to locate and arrange a rental in a low poverty neighborhood from a landlord not familiar with the program.
- CMHA has not made an effort to recruit landlords to participate in the Section 8 program who own properties in low-poverty neighborhoods. HOME finds that the landlords with good properties in low poverty neighborhoods have no problem with the Section 8 tenants who meet their screening standards, but often don't stay in the program because of the red tape and delays in working with CMHA.
- A lack of public transportation keeps voucher families without cars out of certain neighborhoods.
- There is a lack of support for voucher families that choose to make integrative moves. They run into problems because they do not understand the culture of the new neighborhood and schools. They often lack information on rules like curfews and garbage pickup until they are cited for violations.

Recommendations

5. CMHA, the City, and the County should collaborate on an active program to recruit landlords in low poverty areas and provide information and support to families with Section 8 vouchers interested in making integrative moves. A robust Mobility Program will ensure that families with vouchers have full housing choice. CMHA should work with landlords to identify barriers that reduce participation in the Housing Choice Voucher program and identify best practices that address these

barriers.

6. The City and County should ask CMHA to refrain from actions that limit housing choice such as using tenant-based vouchers to create project-based units or seeking ways to restrict access to certain neighborhoods. Efforts to avoid concentrations should involve assistance to landlords and tenants who voluntarily want to move to low poverty areas, rather than limitations on housing choice.
7. The City and County should involve Section 8 tenants in community meetings, including upcoming meetings to develop a Cincinnati Comprehensive Plan and community meetings to discuss community development funding. Discussion and attitudes change when people meet the elderly, disabled, and hard working people who receive housing assistance.
8. The City and County should work with CMHA to establish a Community Advisory Committee that includes Section 8 tenants and advocates, landlords, and representatives of communities concerned about the impact of families with vouchers moving to their neighborhoods.

Predatory Lending and Lending Discrimination

Predatory lending by brokers and national mortgage companies targeted Black neighborhoods. As a result the home foreclosure crisis has impacted African Americans in Cincinnati and Hamilton County at higher rates than other racial and ethnic groups. The foreclosures hit minority neighborhoods particularly hard leaving behind vacant properties, reduced property values, and families with serious credit problems. Many of the homeowners qualified for good prime loans and bought modest homes they could afford. However, they were steered by mortgage brokers into high cost subprime loans that made the brokers more in commissions. A review by the *Wall Street Journal* found that 61% of the homeowners who had subprime high cost loans had good credit and qualified for prime fixed-rate mortgages. The brokers and lenders aggressively marketed the subprime products in minority neighborhoods where traditional banks with good mortgage products had few branches.

As foreclosures increase, these same neighborhoods are now being targeted with foreclosure prevention scams. Homeowners in danger of foreclosure are being asked for large upfront payments to “save their home.” The homeowner is often told not to make payments to the lender so they have money to pay the scammer. Little or nothing is done to prevent the foreclosure.

A review of data from the regulated banks in the Cincinnati area raises serious continuing fair lending questions. Both the 2006 NCRC study and a recent study by the Housing Research and Advocacy Center found that African American applicants in the Cincinnati area were more likely to be denied a mortgage loan than white applicants, and if they did receive a loan it was more likely to be a high cost loan. These differences occurred even

for high-income African Americans who were more likely to be denied a loan than low-income Whites.

Recommendations

9. Assertive law enforcement action is needed on fraudulent foreclosure prevention scams, the next generation of predatory lending that is targeting minority communities.
10. The City and County should ask the banks in Hamilton County to review their HMDA data and where racial disparities exist to conduct self-testing and establish Mortgage Review Committees to ensure that loan originators and underwriters are not letting stereotypes and prejudice affect their decisions.
11. The City and County should work with major lenders to place more branches in minority and low- and moderate-income neighborhoods. Branches are a major means of offering deposit accounts and affordable loans to neighborhoods. Minority and low- and moderate-income neighborhoods experience overall shortages of branches. In addition, there are a number of major lenders that do not have any branches in minority and low- and moderate-income neighborhoods. (This recommendation was made by the 2006 report “Closing the Credit Gap and Expanding the Credit Opportunity: The CRA and Fair Lending Performance of Financial Institutions in the City of Cincinnati” conducted by the National Community Reinvestment Coalition.)

Discrimination against People with Mental Disabilities

People with disabilities, particularly people with mental disabilities and recovering alcoholics and drug users, are the target of illegal housing discrimination by individual landlords and also actions by local governments to keep them out.

- In 2009, the City zoning staff proposed, at the direction of City Council, to severely restrict where shelters, transitional housing, and permanent supportive housing could be located. The restrictions were aimed at chronically homeless individuals who were defined as people who were homeless because of mental illness, alcoholism, or drug addiction. Based on strong public opposition to the zoning changes from churches, social service agencies and other faith groups, the Cincinnati Planning Commission referred the proposal back to staff where it is currently pending.
- Several Hamilton County jurisdictions have actively attempted to keep out or discourage group homes. In 2009, the police in one jurisdiction went so far as to ask the Hamilton County Board of Mental Retardation/Developmental Disabilities for a list of all of their clients who lived in the municipality because he felt they were a danger to the community.

- Between 2004 and 2008, the number of inquiries/complaints to HOME about discrimination based on disability increased from 26 to 181. HOME works with the Mental Health Association to teach landlords that while they can deny someone because of current drug use or disruptive behavior, it is illegal discrimination to deny someone housing just because they have a disability.

Recommendations

12. Training needs to be provided to government officials and local zoning boards in Hamilton County on the Fair Housing Act rights of people with disabilities and the liability of jurisdictions who violate the law. Training would include the US Department of Justice guidance on group homes (“Group Homes, Land Use, and the Fair Housing Act,” 1999).
13. The City Planning Department and Hamilton County Regional Planning Commission should provide siting assistance programs that enable the siting of special needs housing by providing community education, dispute resolution services and tools such as Good Neighbor Agreements. This recommendation is based on a similar program by the City of Portland and is a proactive way to affirmatively further fair housing.

A Lack of Accessible Housing

A lack of accessible housing for people with physical disabilities limits their housing choice and ability to live integrated in the community. Since April 1991, multifamily housing – apartments, condos and other single-story, attached dwelling units – have been required to be accessible to persons with physical disabilities under the federal Fair Housing Act. Ohio’s fair housing law was also amended to mirror the requirements of the Federal Act, and in 2006, the state of Ohio amended its building code to include the accessibility provisions of the International Building Code. These building code amendments have brought Ohio’s building code into compliance with the requirements of the Fair Housing Act.

Despite this, inaccessible multifamily housing continues to be built in Cincinnati and Hamilton County. In 2008 and 2009, Housing Opportunities Made Equal (HOME) surveyed 18 newly constructed apartment and condominium properties in the greater Cincinnati area. Of those properties, five – or 28 percent – were found to have inaccessible features in violation of the Federal Fair Housing Act and Ohio's fair housing laws. These violations included inaccessible entrances, the lack of marked accessible parking, inaccessible mailboxes, and lack of accessible routes to building entrances from pedestrian arrival points. Developers are frustrated because local building inspectors did not catch the violations at a point when they would have been easier to correct.

Building inspectors in the state of Ohio are required to be licensed. Part of the licensure examination includes the accessibility requirements of the Ohio Building Code, and inspectors are periodically reexamined. Despite this, there continue to be buildings that

pass final inspection with inaccessible features. The disconnect appears to be that the inspectors focus on the few units that the code requires to be fully accessible and do not check to be sure all covered units meet the minimal accessibility requirements.

The Fair Housing Act design and construction accessibility requirements apply only to new multifamily buildings. Cincinnati and Hamilton County do not have much new residential construction subject to the accessibility requirements and the older housing stock is not accessible without investment in modifications. The City and County use CDBG funds to assist homeowners make accessibility modifications. While landlords are not required to make accessibility modifications for tenants with disabilities, the Fair Housing Act says tenants have the right to make modifications they need. However they must pay for the changes and there is a lack of assistance or funding for renters in making accessibility modifications. A lack of accessible housing for people with disabilities limits their housing choice and ability to live integrated in the community. CILO is part of the Home Choice Program, a statewide effort to allow persons with disabilities to leave nursing homes and live independently or with home-based health assistance. A major barrier is the lack of affordable and accessible housing in the Cincinnati area.

Recommendations

14. When the City and County issue occupancy certificates for new multifamily buildings, the inspectors should ensure that the minimal accessibility requirements of the Fair Housing Act are met. Since many of the local violations are a lack of accessible parking and accessible routes to the entrance, it would be helpful if the inspections included a visit to the site by a person in a wheelchair. Additional training is needed to ensure the inspectors understand that under the Fair Housing Act accessibility requirements and the Ohio Building Code, regardless of how units in covered multifamily buildings are classified, they must be minimally accessible to persons with mobility impairments.
15. The City and the County should expand their programs providing accessibility modifications for existing housing to serve renters as well as homeowners.
16. Information on accessible rental units needs to be made more readily available. One model used in other communities is a website where landlords can list available units and their specific accessibility features. Housing supported with City or County funds, whether for development or rehab, could be required to list initial vacancies and accessible features with the Center for Independent Living Options or on the website when it is developed.

Discrimination against Families with Children

The general public does not know it is illegal to discriminate against families with children. Over 20 years ago, the Federal fair housing laws were amended to open the housing market to families with children. While HOME trains professional property managers through the trade associations and large private companies, Hamilton County has many amateur landlords who own only a couple rental properties or perhaps are renting a house that they could not sell.

- The number of discriminatory ads on websites like Craigslist show that many people do not know it is illegal to discriminate against families with children. There are warnings about posting “discriminatory” ads and it is rare to see an ad stating a racial or ethnic preference, but owners feel free to say “no children.” When HOME files administrative complaints, the owners usually turn out to be renting just one property and had no idea it was illegal to deny housing to families with children.
- The neighborhoods around the University of Cincinnati are becoming student ghettos as landlords seek only student tenants who can pay more per person and as elderly homeowners are displaced by redevelopment. HOME has had several complaints against University area landlords who turn families away saying they only want students.

Recommendation

17. A significant marketing campaign could open the housing market to families by raising public awareness that housing discrimination against families with children is illegal. It would encourage parents who experience discrimination to call HOME and would educate the very small landlords who receive no professional training.

Sexual Harassment

Sexual harassment by landlords of female tenants is sex discrimination under the Fair Housing Act, but is often not reported. The issue received some publicity in 2008 because of a million dollar settlement in a case brought by the Department of Justice against one Cincinnati landlord involving 12 identified victims. Anecdotal information from Legal Aid and HOME suggests that this is a major problem which is underreported by victims who don't think of it as a discrimination issue and are embarrassed and humiliated to talk about it.

Recommendation

18. Educate female tenants that sexual harassment by landlords is illegal and should be reported to HOME. Target the message to female university students and Section 8 tenants who are particularly vulnerable because of their age and low-income.