



# **FAIR HOUSING BASICS**

# NOTIFICATION OF FAIR HOUSING ACT

The Fair Housing Act prohibits discrimination in housing because of:

- Race or 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 18)
- Handicap
- Military status
- Ancestry

**In the sale and rental of housing, no one may take any of the following actions based on race, color, national origin, religion, sex, familial status, handicap, military status, or ancestry:**

- Refuse to rent, sell, or insure housing accommodations or residential property
- Refuse to lend money for the purchase, construction, repair, rehabilitation, or maintenance of housing accommodations or residential property
- Make housing available
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Print, publish, or circulate any statement or advertisement which would indicate a preference or limitation
- Represent to any person that housing is not available for inspection, sale, rental, or lease
- For profit, persuade owners to sell or rent (blockbusting)
- Deny any person membership in any multiple listing service or real estate broker's organization

## What to do if you suspect housing discrimination?

- Make immediate detailed notes of your experience: date, time, place, names of agents or landlords, what you saw and what you were told.
- Contact your local fair housing coordinator for assistance.  
**In Wood County, call or write:**  
W. David Steiner, Executive Director  
Wood County Planning Commission  
One Courthouse Square  
Bowling Green, Ohio 43402 Telephone (419) 354-9128
- Or, call the nearest Regional Office of the Ohio Civil Rights Commission in Toledo at (419) 245-2900. An investigator will speak with you and schedule an appointment to discuss your complaint and help you file a charge.
- Or, call or write directly to the United States Department of Housing and Urban Development (HUD): Chicago Regional Office -- Region V, Fair Housing and Equal Opportunity, 77 West Jackson Blvd., Room 2101, Chicago, Illinois 60604-3507 Telephone: (312) 353-7776
- Or, call the Fair Housing Complaints "Hotline" at 1-800-669-9777. Hearing impaired persons may call 1-800-927-9275 (TDD)



EQUAL HOUSING  
OPPORTUNITY

Although you may not want to submit a complaint, you should report any information about violations of the Federal Fair Housing Law to HUD. If you want to file a complaint, you must do so within one (1) year of the violation.





### Interest on Deposit

If the landlord requires a security deposit in excess of one month's rent and also in excess of \$50.00, the landlord must pay 5% interest annually on the excess. Example: If the rent is \$150.00 and the security deposit is \$200.00 the land lord must pay 5% interest per annum on the \$50.00 difference between actual rent and security deposit. A landlord does not have to pay interest on the security deposit if the tenant lives in the unit less than 6 months. (Sec. 5321.16, Ohio Revised Code).

### Legal Rent Withholding for Repairs (Sec. 5321.07-5321.10, Ohio Revised Code)

If the tenant reasonably believes that the landlord has not fulfilled his duties, or that the premises have code violations affecting the health and safety of occupants, the tenant may take the following action: Notify the landlord about conditions and request that they be corrected. The **written** notice (or letter) must be sent to the person or place where the tenant usually pays rent, if the landlord has given the required notice of his name and address. Send the notice by **certified letter, return receipt requested**. Keep a copy of the letter.

If the landlord fails to correct the condition within a reasonable time (30 days maximum, depending on the urgency of the situation) and if the tenant is not delinquent in rent payments, the tenant may:

1. Deposit all rent with the Clerk of the Municipal Court. Tenant does not need an attorney, and there is no filing fee.
2. File a lawsuit requesting a rent reduction until the necessary repairs are made (and may ask the Court's permission to use withheld rent to make repairs).
3. Terminate the lease or rental agreement.

**NOTE: THE TENANT MUST BE CURRENT IN RENT PAYMENTS FOR THIS SECTION TO APPLY.**

The actions listed above cannot be taken against the landlord who rents to three or fewer apartments and has made written notice of this fact to the tenant at the time that the tenant entered into the lease/rental agreement.

If the landlord has failed to disclose his/her name and address and the name and address of his/her agents, the owner gives up the right to a notice before a tenant takes legal action.

**Check with the court or an attorney for our local procedures before beginning a rent deposit process.**

### **Landlord's Response to Rent Withholding**

(Sec. 5321.09, Ohio Revised Code)

Any landlord who receives a notice that a tenant's rent has been deposited with the Clerk of Courts may request the Clerk of Courts to release the rent on the grounds that the conditions for which the tenant withheld rent have been repaired or remedied. The Clerk will immediately release the rent, less costs, to the landlord if the tenant gives written notice that the condition has been remedied.

The landlord may apply to the Court to release the rent on the ground that:

1. The tenant was delinquent in rent payments at the time the tenant deposited rent with the Clerk of Courts.
2. The landlord did not violate any of the responsibilities imposed upon him/her by rental agreement, or by any of the building, housing, health or safety codes, or that the condition the tenant describes in the notice has been remedied or repaired. If the Court finds that the landlord did not violate any responsibilities imposed upon him/her, or that the condition the tenant complained about has been repaired or remedied, or that the tenant did not give notice correctly, or that the tenant was delinquent in his or her rent at the time the rent was deposited with the Clerk of Courts, the Court will order the release of the rent to the landlord.

### **Lockouts & Utility Shut-offs**

The Landlord may not move a tenant's furniture from his/her apartment, lock out, or threaten any unlawful act including utility shut-off to get the tenant to move. If this happens, the tenant may recover all his damages and reasonable attorney fees. The landlord can only evict and seize tenant's property after a court hearing and obtaining a lawful court order. (Sec. 5321.15, Ohio Revised Code).

### **Help**

If you cannot afford an attorney, but you need legal assistance, you can call:

**Neighborhood Legal**  
(419) 352-1710

**Legal Aid - Western Ohio**  
(877) 894-4599

**ABLE**  
(800) 837-0814

If you have questions about this information or if you need housing assistance, you are invited to call:

**Mr. W. David Steiner, Executive Director**  
**Wood County Planning Commission**  
**One Courthouse Square**  
**Bowling Green, Ohio 43402**  
(419) 354-9128

### **FAIR HOUSING IS MORE THAN JUST A GOOD IDEA, IT'S THE LAW!**

It is illegal to discriminate against any person because of race, color, religion, sex, national origin, handicap, familial status, ancestry, or military status.

- In the sale or rental of housing or residential lots
- In advertising the sale or rental of housing
- In the financing of housing
- In the provision of real estate brokerage services

An aggrieved person may file a complaint of a housing discrimination act with the:

**Wood County (419) 354-9128**  
or

**U.S. Department of Housing and Urban Development (HUD)**

**1-800-669-9777** (toll free voice number)

or

**1-800-927-9275** (toll free TDD number)

or

**Ohio Civil Rights Commission Toledo Office**  
(419) 245-2900



This publication has been funded by the Wood County Community Housing Impact & Preservation Program.

## **Tenant - Landlord Facts**

Dear Citizens,

The Ohio Tenant-Landlord Bill, effective November 4, 1974, applies to most landlord-tenant relations and governs most rental agreements whether oral or written.

None of the rights, remedies or obligations which the tenant or the landlord have under this law may be taken away by any written or oral agreement.

The Ohio Tenant-Landlord law does not apply to condominiums, prisons, jails, workhouses, halfway houses, hospitals, resident homes, agricultural labor camps, tourist homes, hotels, motels, some boarding schools, dormitories, or courts. Ohio does have a law (Chapter 3733, Ohio Revised Code) which outlines responsibilities and rights of Trailer Park operators and tenants.

This pamphlet is designed to help you better understand your responsibilities and rights under the law. We hope that you will read it carefully and use it as a guide for better Tenant-Landlord relations. None of the information in this brochure constitutes legal advice. If you are in doubt regarding your legal rights, we recommend you seek legal assistance.

*Wood County Commissioners*



## Landlord Responsibilities

The landlord must: (Sec. 5321.04(A), Ohio Revised Code)

1. Comply with the requirements of any building, housing, health or safety codes which materially affect human health and safety.
2. Make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition.
3. Keep the common areas of the premises (including walks, etc.) safe and sanitary.
4. Provide trash and waster receptacles, if there are four or more apartments in the building and arrange for their removal.
5. Supply running water, a reasonable amount of hot water, and reasonable heat at all times, except where there is a direct utility hook-up that the tenant controls.
6. Give the tenant reasonable notice of their intent to enter into a tenant's apartment and enter only reasonable times, except in the case of an emergency.
7. Provide the tenant with the name and address of the owner and its agent, if any, in writing, at the beginning of tenancy. If written lease, the owner's name and address must be in the lease.
8. Keep all electrical, plumbing, heating, ventilating, and air conditioning fixtures and appliances and elevators in good and safe working condition, when these things are supplied or required to be supplied by the landlord.
9. Not harass the tenant by unreasonable or repeated demands to enter the tenant's apartment. If the landlord or his agent enters without the tenant's permission or repeatedly demands entry, the tenant can recover actual damages resulting from the landlord's entering.

## Tenant Responsibilities

The tenant must: (Sec. 5321.05(A), Ohio Revised Code)

1. Keep that part of the premises that he/she occupies and uses safe and sanitary.
2. Dispose of trash and garbage in a clean, safe and sanitary manner.
3. Use and operate all electrical and plumbing fixtures properly.
4. Comply with the requirements imposed on tenants by the applicable housing, health and safety codes.
5. Allow the landlord or it's agent to enter his or her apartment for inspection to see what repairs are needed or to make repairs or improvements at reasonable times, if the landlord or his agent has given reasonable notice.
6. Not intentionally or negligently destroy, damage, deface property or remove any plumbing fixture or appliance from the premises, and forbid any of their guests from doing the same.
7. Act in a manner that will not disturb their neighbor's peaceful enjoyment of the premises.
8. Maintain in good working order and condition, any range, refrigerator, washer, dryer, dishwasher, or other appliances supplied by the landlord and required to be maintained by the tenant under the terms and conditions or a written rental agreement.

If the tenant violates any provision of the above responsibilities, the landlord may recover any actual damages which result from the violation together with reasonable attorney's fees, termination of the rental agreement, or other necessary actions.

Note: the tenant must be current in rent for legal remedies to apply.

## Leases/Rental Agreements

(Sec. 1923, Ohio Revised Code)

Leases are important; without it tenancy can be terminated or the rent raised by:

- a **seven** day notice if renting by the week,
- a **thirty** day notice if renting by the month.

The notice must be received prior to the "periodic rental date" which is usually the day rent is due.

### Remember:

- Read the lease
- Know what it says
- If in doubt, call an attorney

Rights are protected even if there is no formal, written lease. The Ohio Law is still in effect. (Sec. 5321.17, Ohio Revised Code). Leases are protection for both the tenant and the landlord.

## Evictions

Eviction (Sec. 1923, Ohio Revised Code)

### Terminating a Lease/Rental Agreement

If a landlord does not want to renew a lease with a tenant, or does not wish to continue with the oral or written rental agreement, the landlord must do one of the following:

1. If there is a written lease that ends on a given day, nothing else is needed to end this lease.
2. If there is an oral or written rental agreement, the landlord must notify (should be in writing) the tenant by:  
At minimum a **seven** day notice if **renting by the week**;  
At minimum a **thirty** day notice if **renting by the month**.

### A landlord may evict a tenant if:

- The tenant is delinquent in rental payments
- The tenant caused severe damages
- Required repairs are so large that the tenant must move out
- The rental agreement has expired

## Eviction Process

A landlord or owner wishing to evict a tenant **must** notify the tenant to leave the premises three days (3) or more before beginning any court action.

A landlord or its agent **must** hand a written copy of the notice to the tenant in person, leave the notice at the tenant's residence, or send the notice to the tenant by certified mail (return receipt requested). The tenant **must** be advised that he/she may need legal assistance.

Every notice given under the section by a landlord to recover residential premises **shall** contain the following language printed or written in a conspicuous manner:

***"You are being asked to leave the premises. If you do not leave, an eviction action may be initiated against you. If you are in doubt regarding your legal rights and obligations as a tenant, it is recommended that you seek legal assistance."***

If the tenant does not vacate the premises then the landlord must file a complaint at Municipal Court called a "Forcible Entry and Detainer Notice". The tenant receives a court summons at least five (5) days before the hearing. Both parties may need an attorney. When a court hearing is held, a judge decides the case.

## Security Deposits

Before the tenant moves, he/she must have a forwarding address **in writing** with the landlord, or many legal remedies will not apply. At the end of the lease, the landlord must do one of the following within 30 days after the lease agreement ends and the tenant has turned over the apartment and the keys:

1. Return the full security deposit.
2. Return the balance of the security deposit with a list of all deductions, including any past due rent owed, list of damages that the tenant or their quest may have caused, etc. This list must be in writing and sent to the former tenant.

If the landlord fails to do either of the above, the tenant may receive (through court) double the amount wrongfully withheld (that amount the landlord should have returned, less any deductions), and reasonable attorney fees.



## Resources

### State and Federal Agencies

Ohio Attorney General's Office  
Civil Rights Section  
614/466-7900  
Ohio Civil Rights Commission  
Complaints: 614/466-5928  
U.S. Department of Housing & Urban  
Development (HUD)  
Columbus Field Office: 614/469-6694

### Local Fair Housing Organizations

#### Ohio Region

Regional Housing Center  
614/224-5409

#### Akron Region

Fair Housing Contact Service  
330/376-6191  
(TDD) 330/996-4660

#### Greater Cincinnati Area

Cuyahoga Plan of Ohio, Inc.  
216/621-4525

#### City of Dayton

Human Relations Council  
513/228-1693

#### Franklin County Area

Columbus Urban League - Fair Housing  
614/257-6300

#### Northwest Ohio Region

Fair Housing Center  
419/243-6163  
(TDD) 419/243-2135  
1-800-248-2840 (for those in 419 area only)

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## Ohio Fair Housing Advertising Task Force Participating Organizations

### Ohio Newspaper Classified Connection

Ohio Newspaper Association  
1335 Dublin Road, Ste. 216B  
Columbus, OH 43215

### Ohio Association of REALTORS

200 East Town Street  
Columbus, OH 43215

### Regional Housing Center

595 East Broad Street  
Columbus, OH 43215

### Fair Housing Contact Service

333 South Main Street  
Room 300A  
Akron, OH 44328

### U.S. Department of Housing

& Urban Development  
Ohio State Office  
200 North High Street  
Columbus, OH 43215

### Ohio House of Representatives

77 South High Street  
Columbus, OH 43226-0603

### Ohio Attorney General's Office

30 East Broad Street  
Columbus, OH 43215

### Governor's Council of People with Disabilities

400 East Campus View Blvd.  
Columbus, OH 43235-4604

Opinions and information in this brochure are not necessarily those of the individual contributors or participants in the creation of this brochure. Specific questions concerning fair housing advertising should be directed to a private attorney.

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Mr. W. David Steiner  
Executive Director  
Wood County Planning Commission  
One Courthouse Square  
Bowling Green, Ohio 43402

# FAIR HOUSING ADVERTISING GUIDELINES FOR OHIO



A Publication of the  
Ohio Association of REALTORS  
& the Ohio Newspaper Association



# FAIR HOUSING ADVERTISING GUIDELINES

## Introduction

The Ohio Association of REALTORS, the Ohio Newspaper Association and representatives from local and state agencies involved in housing issues have come together to create this brochure on fair housing advertising guidelines for Ohio.

Included are some words that have been identified as unacceptable for use in advertising of property for sale or lease.

This brochure is not intended to be used as a training tool but rather has been designed to serve as a supplement to other comprehensive guides to fair housing advertising. Because several exist that provide thorough coverage, representatives of the above organization felt Ohio housing providers and media are best served by this companion piece.

Anyone placing or accepting advertising on property for sale or lease is strongly encouraged to obtain a copy of one or more of the guides to fair housing advertising listed below. All have been reviewed by representatives of housing agencies and are listed here because of their complete treatment of the subject.

## Fair Housing Advertising Fair Housing & Market Checklist Advertising Manual

c/o Vicki Kemper Franz c/o Oregon Newspaper  
The Baltimore Sun Assoc.  
501 N. Calvert St. 7150 SW Hampton,  
P.O. Box 1377 Suite 111  
Baltimore, MD 21278-0001 Portland, OR 97223  
(410) 332-6353 (503) 624-6397

## Fair Housing Advertising

c/o Newspaper Association of America  
The Newspaper Center  
11600 Sunrise Valley Dr.  
Reston, VA 22091-1412  
(703) 648-1000

## Premise of Fair Housing Laws

The Federal Fair Housing Act of 1968 begins: "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." All subsequent provisions of the Act as amended and its corresponding administrative rules are based on the premise that obtaining fair housing must be a choice free of practices

or influences that would limit that choice because of race, color, religion, sex, national origin, familial status, handicap, ancestry, or military status.

Ohio Fair Housing law, in most cases, is consistent with federal law. In several instances, however, Ohio law actually extends beyond federal law, effectively filling in gaps or eliminating exceptions which may exist in the federal statutes. Significantly, Ohio law adds discrimination based upon age to the list of prohibited practices.

In addition to federal and state law, many Ohio municipalities have approved local fair housing regulations. Several, for example, prohibit housing discrimination based upon marital status, sexual orientation, etc.

## Who May Bring a Charge?

Under Ohio Revised Code Section 4112.05(B), "any person may file a charge with the Ohio Civil Rights Commission (OCRC) alleging that another person has engaged or is engaging in unlawful discriminatory practices." An aggrieved party has up to one year to file a claim with the Department of Housing and Urban Development (HUD) or the Ohio Civil Rights Commission. Fair Housing organizations can also bring charges asserting frustration of their mission to promote equal housing opportunity.

## Who Needs to be Concerned About Fair Housing Advertising?

Under State and federal law, when it comes to discriminatory advertising, not only can administrative charges or civil suits be brought against the persons who wrote and placed the ad, but also against the person who accepted the ad, the owner and management company of the property advertised, plus the newspaper management, publisher and owner.

## Penalties for Housing Discrimination

Housing discrimination can be expensive. When a housing discrimination claim is filed with HUD or the Ohio Civil Rights Commission, the respondent is given the opportunity to answer the charge and an investigation is conducted. Even those cases where the claim is not prosecuted involve the diversion of respondent's time and resources. If the case proceeds to trial before an administrative law judge or Hearing Examiner, or to a state or federal judge, the respondent may be held liable for compensatory and

punitive damages and may be subject to injunctive relief. This means that one poorly written advertisement can be costly.

## Words and Actions to Avoid

Seemingly harmless words can get in trouble. It's important that words used in discriminatory contexts are avoided. See the accompanying word and phrase list for examples.

If you ran an ad that said "No SSI" (a not-so-subtle code for "Don't look here if you are living off Social Security"), you would be vulnerable to a lawsuit, because that phrase discriminates against disabled persons and others who receive Social Security - in addition to retired persons. So does the phrase "active seniors". "Active" implies someone who is not disabled.

Also, it's wise to avoid symbols or logos that imply or suggest a preference based on one of the protected classes. Examples: crosses, the Star of David, the Christian fish symbol. The reason for avoiding symbols like these is simple: by expressing a preference for one class of person, other classes are discriminated against. Just by looking at the ad, "outsiders" could be expected to realize that they are not welcome in such a place.

The use of models in advertising is scrutinized the same way that words are, because it's possible to indicate a preference for a certain type of person by using a certain kind of model. The exclusive use of one kind of model can be interpreted as indicating a "non-preference" for persons in a protected class who don't look like the model. It doesn't matter whether the models are real people appearing in photographs or are drawings in artists' illustrations.

A good rule of thumb is to use language, artwork, and/or photography that is inclusive, not exclusive. Also, ad copy should be used to describe the property - not the seller, or the neighbors, or the landlord, or any "appropriate" buyers or tenants.

## Word List

Any word can be discriminatory depending upon context and usage. Users of this list are cautioned that the examples set forth below are not exhaustive, but provide a topical guide to problem language, with illustrations. Words descriptive of race, color, sex, religion or creed, national origin, familial status, handicap, ancestry, or military status should never be used. Words similar to those listed below and/or suggestive of an intent to unlawfully exclude any person or group should be avoided. It is always best to err on the side of caution; "close calls" should be handled by management, in consultation with a private attorney. General questions may be directed to any of the agencies or entities listed on this brochure.

Avoid Words Descriptive of	Examples
Sex	"female", "male"
Religion or Creed	References to Judaism/use of Star of David in ad; "near church"
Race	"African", "Asian"
Color	"Black" or "White"
National Origin	"Hispanic", "American"
Familial Status	"Adults Only"
Handicap	"Able-Bodied", "Responsible/Stable"

In addition, other words or phrases to avoid include:

"Adults Only"	"No Mentally Ill"
"Empty Nesters"	"Employed"
"Newlyweds"	"Unemployed"
"Alcoholics"	"Active" "Fit"
"Non-drinkers"	"Exclusive"
"Golden Agers"	"No Play Area"
"No Students"	"Mature Complex"
"No SSI"	

## DISCLAIMER

Caution

Determination of what constitutes discriminatory advertising is a subjective and evolving process. Ads deemed innocuous today might well be the subject of tomorrow's litigation. While the government agencies, private individuals and entities involved in the creation of this brochure have agreed upon its content for public information purposes, this brochure is not intended to provide legal advice or opinions on any issue, to any entity.



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## Insurance Discrimination

There has been discrimination in insurance in part because the insurance contract appears complicated. Regulators appear to be making insurance policies and the language in them less complicated and easier to understand. Standard forms and procedures are becoming more accepted.

The most common form of insurance discrimination is redlining (neighborhood-based discrimination). It has been defined as: Discrimination in insurance based on a prohibited characteristic of the area, the neighborhood, the applicant, or the location of the property. There are variations on this theme that are included in differences in treatment. The most common of these is providing persons in minority areas with policies that pay losses to the home up to a certain dollar limit while providing persons in non-minority communities with replacement policies.

In the insurance marketplace, the following policies and practices may be discerned as violations of fair housing laws:

- Charging higher premium based on race rather than risk;
- Refusal to write insurance in a minority and/or integrated neighborhood;
- Refusal to write standard or guaranteed replacement cost coverage in minority and/or integrated neighborhoods;
- Establishing minimum insurance amounts in minority or integrated neighborhoods;
- Limiting protection or benefits because of age/location of property for protected groups and not for others;
- Using credit reports to restrict or deny insurance;
- Refusal to renew policies because of age/location of property for protected person or neighborhoods; and
- Canceling policies because of age/location of property for protected person or neighborhoods.

## What to Do If You Suspect Housing Discrimination

Make immediate detailed notes of your experience:

- Date of the alleged violation;
- Name and address of the person your complain is against (the respondent);
- Address or other identification of the housing involved;
- Short description of the alleged violation (the event that caused you to believe your rights were violated).

Call or visit the local fair housing office.

Call or visit the nearest Regional Office of the Ohio Civil Rights Commission. An Investigator will speak with you and schedule an appointment to discuss your complaint and help you file a charge. You may call 1-888-278-7101 to obtain information regarding the nearest office to you.

Call the HUD Fair Housing Complaints "hotline" at 1-800-669-9777. Person with hearing impairments may call 1-800-927-9275 (TDD).

## What If You Need Help Quickly?

If you need immediate help to stop a serious problem that is being caused by a Fair Housing Act Violation, HUD may be able to assist you as soon as you file a complaint. HUD may authorize the Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of your complaint, if:

- Irreparable harm is likely to occur without HUD's intervention;
- There is substantial evidence that a violation of the Fair Housing Act occurred.

Example: A builder agrees to sell a house, but after learning the buyer is black, fails to keep the agreement. The buyer files a complaint with HUD. HUD may authorize the Attorney General to go to court to prevent a sale to any other buyer until HUD investigates the complaint.

The purpose of this brochure is to summarize your right to fair housing. The Fair Housing Act and federal, state, and local regulations contain more detail and technical information. If you need a copy of the law or regulations, contact the fair housing office nearest you.

**Mr. W. David Steiner, Executive Director**  
**Wood County Planning Commission**  
**One Courthouse Square**  
**Bowling Green, Ohio 43402**  
**(419) 354-9128**

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## Know Your Rights

## HOME SALES DISCRIMINATION



Housing discrimination remains rampant in the housing market despite the passage and amendment of the Fair Housing Act. Housing discrimination is sometimes difficult to detect because of the subtle techniques used by real estate agents, managers, financial people, insurance providers, and others in the marketplace.

Discrimination includes not only denial of dwelling units, but also withholding or misrepresenting information about the available housing, steering, setting higher standards of credit worthiness for minorities, quoting different prices, terms or conditions for financing, insurance, or sale. Any kind of differential treatment based upon the home seeker's protected group is prohibited. In some instances, actions which have a discriminatory impact or effect may also violate the law. While discriminatory housing practices appear to have been reduced in some parts of the country, recent surveys make it clear that traditional patterns persist and that equal access to housing, insurance, and lending is far from a reality. Every citizen has the rights to equal access to all neighborhoods of their choice for decent and affordable housing.

## Fair Housing and Fair Lending Laws

Fair housing is an absolute right throughout this country. The federal laws, along with local and state laws, were enacted to provide a method of enforcement of this right.

The Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968 as amended in 1988) prohibits discriminatory housing practices. There are a few limited exceptions. No one may take any of the following actions based on race, color, religion, national origin, sex, familial status, handicap (disability), military status, or ancestry:

- Refuse to sell or rent housing;
- Refuse to negotiate for housing;
- Make housing unavailable;
- Deny a dwelling;
- Set different terms, conditions, or privileges for sale or rental of a dwelling;
- Provide different housing services or facilities;
- Falsely deny that housing is available for inspection, sale or rental, when, in truth, it is available;
- For profit, persuade or attempt to influence owners to sell or rent (blockbusting);
- Deny anyone access or membership in a facility or service related to the sale or rental of housing that includes brokers and multiple listing of property.

**The Civil Rights Acts of 1866 and 1871** prohibit discrimination based on race.

**The Ohio Fair Housing Law** (Section 4112.02(H) of the Ohio Revised Code) gives all persons in the protected classes the right to live wherever they can afford to buy a home or rent an apartment. It is unlawful, on the basis of race, color, religion, sex, national origin or ancestry, disability, familial status, or military status to:

- Refuse to rent, sell, finance, or insure housing accommodations or residential property;
- Represent to any person that housing accommodations are not available for inspection, sale, rental, or lease;
- Refuse to lend money for the purchase, construction, repair, rehabilitation, or maintenance of housing accommodations or rental property;
- Discriminate against any person in the purchase, renewal, or terms and conditions of fire, extended coverage, or home owner's or renter's insurance;
- Refuse to consider without prejudice the combined income of both spouses;
- Print, publish, or circulate any statement or advertisement which would indicate a preference or limitation;
- Deny any person membership in any multiple listing service, or real estate broker's organization.

In addition to fair housing laws that apply to all transactions including lending and insurance, specific laws address lending practices: The Credit Opportunities Act 15 U.S.C.A. Section 1691 et seq.; The Home Mortgage Disclosure Act, 12 U.S.C. Section 2801, et seq.; The Community Reinvestment Act, 12 U.S.C. Section 2901 et seq.; regulations dealing with loan registers National Banks, 12 C.F.R. Section 27.4; state banks insured by FDIC, 12 C.F.R. Section 338.4 (a)(2)(iii).

**Access to residential housing depends on available financing, insurance, and related services. If a person is denied the opportunity to obtain financing, then it will matter little whether a seller will sell to the home seeker. Similarly, the related services: homeowners' insurance, fair appraisals, fair secondary markets, mortgage insurance, and brokerage services must be available without regard to any prohibited characteristics such as race, color, and religion.**

### Lending Discrimination

No one may take any of the following actions based on race, color, national origin, religion, sex, familial status, handicap (disability), military status, or ancestry:

- Refuse to make a mortgage loan;
- Fail to provide information regarding loans;
- Deny or make different terms for home loans such as different interest rates, points, or fees;
- Discriminate in appraising the property;
- Refuse to purchase the loan or set different terms or conditions for purchasing a loan.

In addition, it is illegal for anyone to:

- Coerce, intimidate, threaten, or interfere with anyone exercising their rights granted under the Fair Housing Act or assisting others who are exercising that right;
- Make, print, publish, or post statements or advertisements that a house or an apartment is available only to persons of a certain race, color, religion, sex, familial status, handicap (disability), military status, or ancestry.