Ohio | Development Services Agency

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Know Your Rights: A Summary of Fair Housing Laws

The purpose of this brochure is to summarize your right to fair housing. Federal, state, and local fair housing laws contain more detail and technical information.

Discrimination in the Home Purchase Process

Fair housing is an absolute right throughout this country. Federal laws, as well as state and local laws, were enacted to provide a method of enforcement of this right. These laws cover virtually all housing – private housing, apartment buildings, condominiums, shelters, nursing homes, and nearly all housing transactions, including the rental and sale of housing and the provisions of mortgage loans.

The Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968 as amended in 1988) prohibits discrimination in housing because of race or color, national origin, religion, sex, familial status (including children under age 18 living with parents or legal custodians, and pregnant women or people securing custody of children under 18), and disability. The Ohio Fair Housing Law (Ohio Revised Code Section 4112) includes ancestry and military status as additional protected groups. Many local governments also have fair housing laws that include additional protected groups.

Despite the passage of various fair housing laws, housing discrimination remains rampant in the housing market. 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 creditworthiness 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.

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 not matter much whether the seller will sell to the home seeker. Similarly, the related services (i.e., homeowners insurance, fair appraisals, fair secondary market loans, mortgage insurance, and brokerage services) must be available without regard to any prohibited characteristics such as race, color, religion, sex, national origin, ancestry, military status, disability, or familial status.

As diverse as this country is, there were more than 10,000 housing discrimination complaints filed annually. Forty percent alleged racial discrimination, while nearly the same percentage alleged discrimination against persons with disabilities. Complainants most often alleged discrimination in the terms and conditions of the sale or rental of housing, or refusal to rent. Equal access to housing insurance and lending is far from a reality for many. Not only is that not acceptable morally, it is against the law.

Fair Housing and Fair Lending Laws

The Federal Fair Housing Act prohibits discriminatory housing practices. There are a few limited exceptions under the federal law. No one may take any of the following actions based on race, color, religion, national origin, sex, familial status, or disability:

- 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, including brokerage and multiple listing services

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

The Ohio Fair Housing Law 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, ancestry, military status, disability, or familial 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, of homeowners 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 services 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 such as:

- The Credit Opportunities Act – 15 U.S.C.A. Section 1691 et seq.
- The Mortgage Disclosure Act – 12 U.S.C. Section 29011 et seq.
- The Community Reinvestment Act – 12 U.S.C. Section 2901 et seq.
- Regulations dealing with loan registers – National Banks – 12 CFR Section 27.4
- State-Insured Banks insured by FDIC – 12 CFR Section 338.4(a)(2)(iii)

Lending Discrimination

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

- 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, or disability

Insurance Discrimination

There has been discrimination in insurance, in part, because the insurance contract appears complicated. The most common form of insurance discrimination is redlining (neighborhood-based discrimination). It has been defined as: Discrimination in insurance based on prohibited characteristics 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 and/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 persons or neighborhoods
- Canceling policies because of age/location of property for protected persons or neighborhoods

If housing discrimination is suspected, make immediate detailed notes of your experience, including:

- the date of the alleged violation;
- the name and address of the person your complaint is against (the respondent);
- the address or other identification of the housing involved; and
- a short description of the alleged violation (the event that caused you to believe your rights were violated).

Who to Contact

- Ohio Civil Rights Commission at 1-888-278-7101 or
- U.S. Department of Housing and Urban Development Fair Housing Complaint Hotline toll free at 1-800-669-9777 or Midwest Office at 1-800-765-9372 or TTY 1-312-353-7143.

To file a complaint online, visit http://portal.hud.gov/portal/page/portal/HUD/topics/housing_discrimination.