Finding Solutions Without Going to Court

When clients call HOME, most simply want their housing problem resolved. They’re upset about a situation with a neighbor or with the landlord. While the case may warrant further investigation of discrimination, often a call to Housing Mediation Services may resolve the conflict before it escalates.

“Solving conflict without going to court benefits everybody,” said Diann Harper, one of the professional mediators for HMS, noting that lack of communication fuels the conflict. “Mediators are excellent at reducing the defensiveness,” she said, so the two sides can actually hear each other. “There is a lot of ‘Gee, I didn’t know that’s why you did that.’”

A common complaint in multi-unit settings relates to noise, and Diann notes that sometimes it takes getting the irate tenants to realize it’s not the woman upstairs who’s stomping; it’s someone else somewhere else. Mediation can stop a tenant from smacking the ceiling with a broomstick and help the parties learn to communicate in a healthier way and talk in a civil manner.

Among the problems between tenants and landlords is the Fair Housing Act’s requirement for reasonable accommodations or modifications to allow those with disabilities to use and enjoy their homes just as the other tenants do. Diann said mediation allows those landlords to avoid court and its related costs. Two recent cases spotlighted the benefits for all involved.

When Wendall, a senior with disabilities, moved into his apartment, he noted some mold and mildew stains on the carpet. He was told that he would receive new carpeting, but some months later he still had not, and the new management was non-responsive. His care provider from Elderly Services noted the mold and mildew were creating respiratory problems for Wendall and contacted HOME for help in getting action from the property managers.

HOME referred the case to mediation where Wendall and the new management worked through their differences, and new carpeting and padding was installed in the living room and dining areas of the unit at no cost to Wendall. “It worked out beautifully,” he said.

In another case, Valerie moved into her apartment with a therapy dog to aid her with her disability, advised the landlord, and provided documentation from her doctor. However, the landlord still charged her $40 a month in pet fees in violation of the Fair Housing Act. Animals used in the treatment of disabilities are medical tools, not pets.

Valerie’s landlord claimed that Ohio legislation allowed for fees to be charged for service animals, so Valerie called HOME, which referred her to mediation. With help from Diann, the landlord learned the requirements of the federal law and, as a reasonable accommodation, Valerie recovered all past fees charged for the use of a service animal and will pay no pet fees going forward. “Diann was very helpful,” Valerie said.

Since 2000 when HMS was established, more than 90 percent of its cases have been resolved successfully. To learn more, visit www.housingmediation.org.
HOME Fair Housing Case Notes

HOME recently filed three fair housing complaints based on its testing of the housing market. Testing is important because housing discrimination today is rarely blatant. Applicants may have no idea they have just been denied housing because of their race or national origin.

Testing is an objective way of comparing how applicants with different characteristics are treated. It is a way to keep the housing market fair and open without discrimination.

At an apartment complex in Amelia, Clermont County, Hispanic testers were unable to view a unit. They were told nothing was available, were stood up, or their calls were not returned. The non-Hispanic testers set up appointments and viewed units. Based on this testing evidence, HOME filed a complaint of discrimination based on National Origin. The case is currently with the Ohio Civil Rights Commission.

In responding to an advertisement for a rental property in Over the Rhine, Black testers were steered to properties outside of the area or not called back. The White testers were shown property in the neighborhood. Based on the testing evidence, HOME filed a fair housing charge with HUD for discrimination based on Race.

Testers called about an advertised vacancy near the University of Cincinnati. Black testers were told nothing was available for several months. The White testers were told of several available units and given a tour. HOME filed a complaint with HUD for discrimination based on Race.

Board Changes

HOME’s Board of Trustees welcomed two new members in March. 

Robert Wahlke is president of Towne Property Management. A former president of the Greater Cincinnati Northern Kentucky Apartment Association, he also has served on the Board of Housing Mediation Services.

Heather Sturgill is an advocate for those with disabilities. She holds a Master’s Degree in Community Planning.

Board Officers for 2015 are:
President Stephanie Moes, Legal Aid
Vice President Kyria Graves, ReMax Preferred
Treasurer Michael Cureton, law enforcement
Secretary Gina Ruffin Moore, City of Cincinnati

ENSURING FAIR HOUSING & ACCESSIBILITY FOR PEOPLE WITH DISABILITIES

FREE Workshop for Individuals, Families, Caregivers and Advocates
Thursday, July 16, 2015 1 PM to 4 PM
United Way Building
2400 Reading Road, Cincinnati, Ohio 45202

Presented by Housing Opportunities Made Equal, the program spotlights:
• How Fair Housing Act differs from the Americans with Disabilities Act.
• Rights of those with disabilities in renting, buying and insuring housing.
• What providers must do to address needs of residents with disabilities.

Reservations are required.
1. Online at www.homecincy.org/events
2. Call Deb Jetter at 513-977-2629
3. Email deb.jetter@homecincy.org.

Disclaimer: The National Association of Social Workers is awarding three hours of CEUs. Register at www.naswoh.org. Questions? Contact: Gregory Stewart at 859-442-1154 or gregory.stewart@kctcs.edu.
Janet Brown is HOME’s tenant advocate. In addition to serving clients who call the office, she answers inquiries from the ‘Ask a Question’ form on HOME’s website, www.homecincy.org. HOME does not give legal advice, but provides general information about Ohio landlord-tenant law and helps tenants understand their options.

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Janet: Although children can be loud at times, they still have the right to be able to play. Rules that prohibit normal play by children are considered illegal discrimination against families with children. However, limits can be placed on where children play for safety or if the noise becomes excessive. Many apartments have reasonable rules prohibiting adults and children from hanging out or playing in hallways. Some set up playgrounds to minimize noise under windows. Talk with your landlord and neighbors to see if something can be worked out to lessen the noise level.

Jeff: I am so upset with my landlord. I did everything right and still I lose. When I moved out of my apartment, I gave the landlord a 30-day notice, cleaned and took pictures of the apartment, and did a walk-through with the landlord. I also left my new address with the landlord so that I could receive my security deposit back. Instead, I received a notice stating I have to pay another month’s rent because the keys were not returned. I continually called the landlord to return the keys, but he never called back.

Janet: Return of the keys is the formal action that indicates a tenant has given up possession of the apartment. Even if a tenant has moved out, as long as he has the keys, the apartment is his and he is expected to pay rent. If you are unable to reach the landlord, then you can mail the keys to the place where you usually paid the rent. It is a good idea to use certified mail, which gives you a receipt of the date the keys were mailed.
A Message from the Executive Director

I will be retiring at the end of June after more than 10 years as HOME’s executive director. It is time for me to move on to the next phase of my life, to slow down, travel with my husband, and enjoy being an active, engaged citizen.

I leave with some regret. There is still much to do to ensure a fair and open housing market. But fair housing is not an agency or a job; it is a movement that will continue as the players come and go. HOME has a strong, dedicated staff who will continue serving clients.

The Board is engaged in a national search for a new executive director, so watch for the announcement in the next months.

— Elizabeth Brown

Reception planned
A retirement reception in Celebration of Elizabeth Brown is scheduled from 3 to 5 p.m. Thursday, June 18, at the United Way building. Details will be listed on our website, www.homecincy.org, as they become available.

Tribute to Civil Rights Icon
The official release date for a new biography of HOME Board Member and Cincinnati civil rights icon Marian Spencer is June 27 on her 95th birthday. As part of the launch, she and author Dot Christenson will join in a party and book signing at First Unitarian Church. Watch the HOME website for more details.