

# NEWS FROM HOME

Fall 2024



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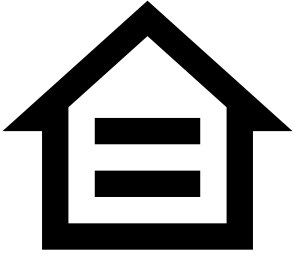
Fair Housing

Tenant Advocacy

Education

[WWW.HOMECINCY.ORG](http://WWW.HOMECINCY.ORG)

# The Fair Housing Act



The Fair Housing Act (1968/1974/1988) prohibits discrimination on the basis of race, color, religion, national origin, sex, familial status or disability status in the United States. In the state of Ohio, ancestry and military status are included as protected classes, and additional protections may be available in certain municipalities. Fair Housing law applies to most types of housing and to most housing providers, with no owner-occupied exemptions in Ohio.

## Mission

HOME’s mission is to eliminate unlawful discrimination in housing in the Greater Cincinnati area. HOME advocates and enforces housing regulations for all protected classes and promotes stable, integrated communities.

## Major Supporters



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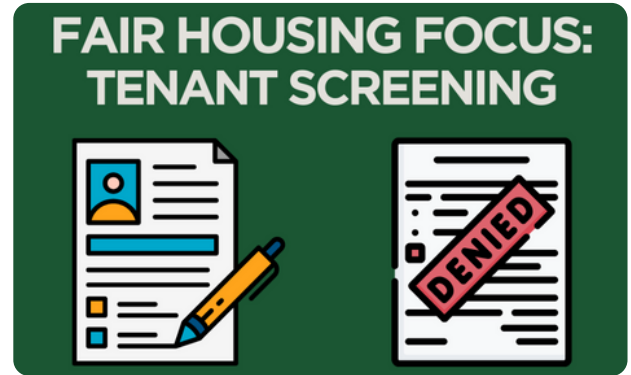


The work behind this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. HOME is solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Federal Government.

## Fair Housing & Rental Screening

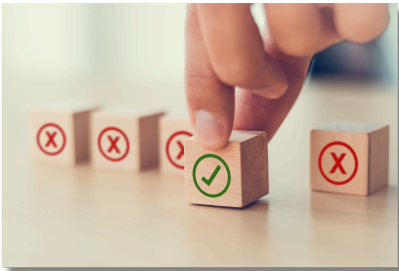
Earlier this year the Department of Housing and Urban Development (HUD) released *Guidance on Application of the Fair Housing Act to the Screening of Applicants for Rental Housing*. HOME provided a training on this guidance in July of this year, and there is a related podcast episode available on the HOME website at <https://www.homecincy.org/blog>.

In today's rental market it is very common for housing providers to utilize a tenant screening company. Hundreds of these companies exist and provide a wide-ranging menu of services and information on prospective tenants, with some even providing a recommendation on whether or not to approve the applicant for housing. HUD guidance remains clear that both the companies providing these services and housing providers themselves must follow fair housing laws and not discriminate unlawfully. Utilization of technology including Artificial Intelligence does not remove the legal responsibility to ensure Fair Housing.



### HUD's Guiding Principles for Nondiscriminatory Screenings

Below is a summary of the guiding principles from the HUD document. For detailed explanation please consult document at: [https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO\\_Guidance\\_on\\_Screening\\_of\\_Applicants\\_for\\_Rental\\_Housing.pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO_Guidance_on_Screening_of_Applicants_for_Rental_Housing.pdf)



#### Choose Relevant Criteria

- Only screen applicants for information relevant to the likelihood they will fulfill their lease obligation. If a screening criterion is likely to disadvantage a protected class, consider or allow alternative criteria.

#### Use Only Accurate Records

- Recognize that the quality of data available varies, and errors in data can result in denying housing for someone who actually meets screening criteria.

#### Follow the Applicant Screening Process

- Your process should be screening for specific relevant information and using accurate information. So, if you are screening criminal histories for violent felonies in the last five years, do not include misdemeanor or other criminal records in the decision-making process.

#### Be Transparent with Applicants

- Applicants need to know how they will be screened to decide if it is worth the application fee and time to fill out the application. Tenant screening policies should be in writing, made public, and readily available to potential applicants BEFORE paying an application fee.

#### Allow Applicants to Challenge Negative Information

- Applicants should be allowed to challenge any potentially disqualifying information. The applicant should get a copy of the information you are using to make your decision.

#### Design and Test Complex Models for Compliance

- Housing providers and tenant screening companies may find it difficult to be sure they are complying with the Fair Housing Act when the reasoning behind automation is not transparent. Quality assurance and testing using diverse data sets should be part of the process.



## Three Problematic Screenings: Credit, Eviction, and Criminal History

The [HUD Guidance document](#) declares that due to systemic disparities in credit, evictions, and criminal backgrounds, overbroad tenant screenings in these three areas are especially likely to have an unjustified discriminatory effect based on race, national origin, sex, or disability status. Below are some statistics from the document that highlight these disparities.

### CREDIT HISTORY

Credit scores were developed as a way to rate a consumer's ability to repay a term loan, NOT as a measure of how likely they are to pay rent.

#### Average FICO Scores By Race

Native American - 612  
Black - 627  
Hispanic - 667  
White - 727

Using credit scores as a rental screening tool can have a disparate impact on people with disabilities, survivors of domestic violence (mostly women), and immigrants in addition to the racial disparities noted above.

### EVICTION HISTORY

Eviction records can be inaccurate; 22% of records in one study contained ambiguous or false information.

Eviction disproportionately affects Black and Hispanic renters, women, families with children, and people with disabilities.

Even though less than 1/5 of renters are Black, over 1/2 of evictions are filed against Black renters.

Families with children face eviction at twice the rate of families without children.

### CRIMINAL HISTORY

Persons impacted by the criminal justice system are disproportionately Black and Brown and/or people with disabilities. Research shows that disparities in the criminal justice system are best explained by systemic biases and not just individual bad actors.

Blanket criminal history bans are illegal, and applicants are entitled to an individualized assessment.

Criminal history screening policies should be published, targeted, and provide a way for applicants to challenge negative information.

Have you encountered issues obtaining housing due to an old criminal record? HOME wants to help.



As 2024 draws to a close, HOME invites you to join us on December 5th. The event is “come and go” but please RSVP so we can make sure we have enough food and drinks for all!

**Thursday, December 5, 2024**  
**4:00-7:00pm**

United Way Convening Center  
2400 Reading Rd, Cincinnati, OH 45202

Please RSVP

<https://www.homecincy.org/events/home-for-the-holidays-2024>

# Levied Reports on Property Tax Inequity

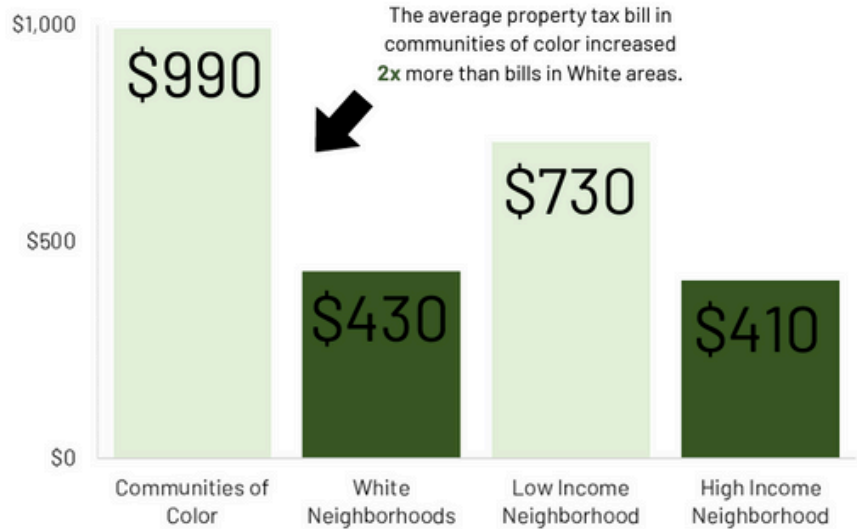
Property Taxes | Housing Opportunities (homecincy.org)

In June 2024, HOME and eruka released two reports investigating Hamilton County property taxes. As widely acknowledged, the 2024 property tax bills rose at an unprecedented rate for some of Hamilton County’s residents. Yet not all residents experienced increases. In fact, one in four residents saw their property tax bills decrease.

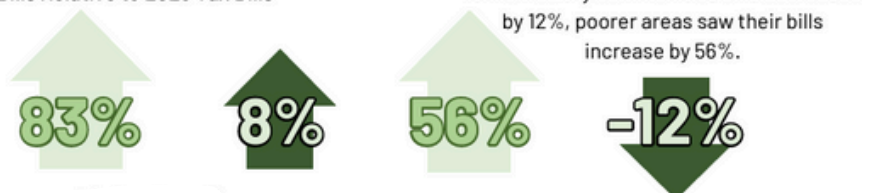
The research finds that tax increases were disproportionately concentrated in communities of color and lower-income neighborhoods. On average, property tax bills increased by \$990 (or 83 percent) in communities of color compared to \$430 (8 percent) in White neighborhoods. Moreover, those who saw decreases in their tax bills were most likely to live in the county’s most expensive houses in the most affluent neighborhoods.

Unlike often presumed, the racially and economically inequitable changes in tax bills are not due to differences in real estate sales. Rather, they are due to changes in the approach used to estimate property values. Hamilton County’s auditor contracts a private company to derive an equation that determines each property’s value. This equation increased values in communities of color more than White neighborhoods.

**Figure 3. Change in Property Tax Bills from 2023 to 2024 by Neighborhood Demographics**



**2024 Tax Bills Relative to 2023 Tax Bills**



Read the full reports and find out more about the policy recommendations to address property tax inequities on HOME’s website under Roadmap for Increasing Black Homeownership.

## Spotlight: Emotional Support Animals

The Fair Housing Act makes housing discrimination against people with disabilities illegal. It also requires housing providers to make reasonable accommodations when those accommodations are necessary for the person with a disability to fully use and enjoy their home. A common reasonable accommodation is allowing assistance animals at properties that have “no pets” or similar policies. Emotional Support Animals, or ESAs, are a type of assistance animal that provide emotional support to people with mental disabilities, which are often invisible to others. For some people, the companionship of their emotional support animal is vital to their functioning and full enjoyment of their home.




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HOME continues to receive calls from clients who are denied housing because they have an ESA or other assistance animal. HOME can assist people with disabilities in the accommodation request process and we educate housing providers about their responsibilities. Have questions? Call HOME 513-721-4663.

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## Policy Talk: Extended Stay Hotels

***Do extended stay hotels have to allow Emotional Support Animals?*** The Fair Housing Act uses the term “dwelling” and defines it as “any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a residence.” While the Act does not define “residence”, courts have looked to its dictionary definition: a temporary or permanent dwelling, place, abode, or habitation to which one intends to return, as distinguished from the place of temporary sojourn or transient visit. Thus, whether a building is a dwelling under Fair Housing Act hinges on the intent of the occupant.



HUD and DOJ clearly indicate that extended stay hotels are subject to the Fair Housing Act. In 2017, DOJ filed a complaint against an extended stay hotel for alleged violations of the Fair Housing Act, including refusing to make a reasonable accommodation for an assistance animal for a family, among other violations. The case settled for monetary damages and agreement to allow reasonable accommodation requests to people with disabilities.

## Timely Topic: National Origin Discrimination

[Civil Rights Division | Federal Protections Against National Origin Discrimination \(justice.gov\)](#)

Federal laws prohibit discrimination based on a person's national origin, race, color, religion, disability, sex, and familial status. Laws prohibiting national origin discrimination make it illegal to discriminate because of a person's birthplace, ancestry, culture or language. This means people cannot be denied equal opportunity because they or their family are from another country, because they have a name or accent associated with a national origin group, because they participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin. The Department of Justice's Civil Rights Division, and many advocacy groups like HOME, are concerned that national origin discrimination may go unreported because victims of discrimination do not know their legal rights or may be afraid to complain. The link above will take you the DOJ website that outlines national origin protections in housing, employment, education, and other areas.

**How can HOME help?** We want to connect with immigrant communities across Greater Cincinnati. We are willing to attend events and set up training to empower immigrants and advocates to identify and report illegal housing discrimination.

### Examples of National Origin Discrimination in Housing:

- A family from Mauritania is looking for an apartment. They are told by the rental agency that no apartments are available, even though apartments are available and being shown to white and Hispanic applicants.
- A real estate agent shows a Latino family houses only in predominantly Latino neighborhoods and refuses to show the family houses in other neighborhoods.
- Requiring all applicants to have a social security number in order to apply for an apartment.
- Refusing to work with an applicant because they have limited proficiency in English. ("English Only" signs or policies)
- Harassment of a Haitian family at their home simply because they are immigrants.

### Federal Law Supersedes State & Local Law

Various state and local governments have passed laws that seem to conflict with Federal protections against national origin discrimination. For example, a state law barring people from China from buying property in the state, or a city law threatening landlords with fines for renting to undocumented immigrants. When laws contradict, Federal law supersedes local and state law. Please contact HOME at 513-721-4663 if you encounter a situation where you believe a law, rule, or policy promotes or encourages national origin discrimination in housing.

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