



November 6, 2013

TO: FY 2014 Fair Housing/New Horizons Fair Housing Assistance Program Advisory Committee Members

FROM: Michael A. Hiler, Deputy Chief, Office of Community Development
Michael A. Hiler

SUBJECT: FY 2014 Fair Housing and New Horizons Fair Housing Assistance Program Advisory Committee Meeting Minutes

On October 1, 2013, the FY 2014 Fair Housing and New Horizons Fair Housing Assistance Program Advisory Committee met at the Creekside Conference and Event Center in Gahanna from 1:30 p.m. to 4:00 p.m. The following is a summary of the major topics discussed during the meeting.

Introduction

Joyce Hill, Office of the Office of Community Development Civil Rights Specialist, opened the meeting and welcomed members. The advisory committee members and participants introduced themselves.

Program Update

The FY 2014 Fair Housing/New Horizons Fair Housing Program Advisory Committee Meeting packet was distributed to the group. In addition to the agenda and list of committee members, the packet included:

- FY 2013 Fair Housing/New Horizons Fair Housing Advisory Committee Meeting minutes.
- FY 2012-2013 Analysis of Impediments for Equal Opportunity in Housing document of fair housing-related issues, recommendations and timelines.
- The Ohio Civil Rights Commission list of housing discrimination cases completed for 7/1/2012 through 6/30/2013.
- An analysis of the U.S. Department of Housing and Urban Development's (HUD) proposed Affirmatively Furthering Fair Housing Rule completed by Michael Allen of Relman, Dane & Colfax, PLLC.
- HUD's June 2013 statement on the Role of Housing in Accomplishing the Goals of *Olmstead*.
- Reauthorization of the Violence Against Women Act (VAWA) overview.
- An article about The Ohio State University study on the Amish population.

Performance of Grantees

The committee discussed training sessions that were offered to enhance grantee performance and the special outreach and technical assistance the Office of Community Development provided to new grantees or those who had issues related to performance and compliance. The committee recommended no changes for performance reporting for grantees.

Application Documents and Instructions

The committee discussed the format of the Standard Fair Housing Program that is included in the Community Development Program application and the annual Ohio Consolidated Plan. All agreed that the Standard Fair Housing Program format is comprehensive and working well and recommended no changes at this time.

The committee noted that HUD recently proposed new regulations to clarify and expand the Affirmatively Furthering Fair Housing (AFFH) obligations of HUD program participants including state and local governments. The committee agreed to meet again to discuss any changes to the fair housing requirements if the final rule is published before the next scheduled advisory committee meeting.

The format of the fair housing requirements for the Community Housing Improvement Program (CHIP) application was discussed. The committee agreed that the format is working well and recommended no changes at this time.

The fair housing implementation period was discussed in the FY 2014 Community Development and Community Housing Improvement Program advisory committee meetings. The Office of Community Development is considering changing the fair housing program period to a "calendar year" implementation period of January 1 through December 31.

The New Horizons Fair Housing Assistance Program application and instructions were discussed. No changes or clarifications were recommended by the committee.

Program Review Process and Rating Criteria

The committee briefly discussed the New Horizons Fair Housing Assistance Program review process and rating criteria. Joyce Hill noted that Portage County submitted a New Horizons Fair Housing Assistance Program application and received a \$20,000 grant during the program period. The committee discussed various methods of encouraging eligible applicants to apply for New Horizons Fair Housing Assistance Program funding. No review process or rating criteria changes were recommended by the committee.

Policy or Program Issues

On July 19, 2013, HUD released proposed changes to the Affirmatively Furthering Fair Housing (AFFH) requirements for HUD program participants. The proposed regulations clarify and expand the AFFH obligations of states and municipalities that receive HUD funding. The committee agreed to reconvene if necessary to discuss any changes to the HUD fair housing requirements and the potential impact on the Office of Community Development Fair Housing Program.

The committee discussed the benefits and disadvantages of regional fair housing programs including regional Analysis of Impediments (AI) or the proposed Assessments of Fair Housing (AFH). The Office of Community Development has encouraged consortia fair housing efforts between non-entitlement areas since 1993 with little success. HUD's Sustainable Communities Office also encourages a regional approach to community development and planning. The Northeast Ohio Sustainable Communities Consortium (NEOSCC) recently completed a 12-county regional AI that included 22 entitlement areas and eight non-entitlement counties. The Office of Community Development staff met with NEOSCC and the non-entitlement areas to provide assistance and encourage cooperation. The Office of Community Development will continue to follow progress of NEOSCC's regional efforts.

Training Needs or Recommendations

The committee voiced satisfaction with the various Office of Community Development fair housing trainings held during the FY 2013 program period. The committee made the following recommendations for training and outreach for FY 2014:

- The committee believes there is a continued need for quality sharing of information. It was noted that it is extremely helpful to share information, discuss problems/local issues, etc. with other fair housing administrators and advocates.
- Continued training was requested regarding the development and implementation of effective fair housing programs. The committee recommended that the Office of Community Development continue to make fair housing-related training and technical assistance available to grantees and fair housing coordinators. Some members suggested a fair housing conference should be sponsored by the Office of Community Development. In addition, the committee recommended continuation of program-specific training.

- The committee suggested the Office of Community Development continue to provide training and education regarding housing issues faced by people with disabilities. Individuals with disabilities filed more housing complaints than any other protected group for the last several years. The committee discussed the need for training related to zoning and reasonable accommodations in the zoning process. Other discussion included potential discrimination against families with autistic children and noncompliance by condominium associations.
- The committee would like to see fair housing training provided for Ohio Continuum of Care members and partner agencies that includes a component on the HUD lesbian, gay, bi-sexual and transgender (LGBT) final rule. The Office of Community Development receives many inquiries requesting clarification about the LGBT rule. This final rule states that housing assisted or insured by HUD must be made available without regard to actual or perceived sexual orientation, gender identity or marital status. The rule includes the prohibition of inquiries regarding sexual orientation or gender identity for the purpose of determining eligibility or otherwise making housing available and further allows inquiries related to an applicant or occupant's sex for the limited purpose of determining placement in temporary, emergency shelters with shared bedrooms or bathrooms or for determining the number of bedrooms to which a household may be entitled.
- The lack of housing for individuals ages 18–25, especially for youth aging out of foster care who often have mental health issues continues to be a concern. The committee felt there is a need for training and educational materials related to housing needs and mental health issues experienced by this group.
- The committee recommended the continuation of periodic fair housing updates, training opportunities and other information that has been transmitted via email, the Office of Community Development's website <http://development.ohio.gov/>, Ohio Conference of Community Development website <http://www.occd.org/>, Coalition on Homelessness and Housing in Ohio <http://www.cohhio.org/>, etc.
- It was noted that the Ohio Attorney General's Office Civil Rights Section will provide training around the state upon request to the public especially to housing providers with few units.

Other Issues

- The committee discussed various impediments to equal access to housing for individuals with disabilities, frail elderly, ex-offender re-entry issues and victims of domestic abuse including:
 - New projections say Ohio will have 16 counties where a third or more of the population will be at least 60 years old. Older populations are common in the economically struggling Appalachian region in southern and eastern Ohio where housing stock is older and limited. Noble County is projected to have half of its population 60 or older by 2050.
 - The Ability Center of Greater Toledo produced educational information on Zoning Laws and Reasonable Accommodations for Citizens with Disabilities in response to local zoning officials and individuals with disabilities the lack of understanding on the issue. The Ability Center also has created a webpage which provides additional information. To access this page, visit: www.abilitycenter.org and click on "Zoning Brochure Support" link.
 - The committee discussed the potential impact of the oil/gas industry growth on affordable rental housing in communities impacted by shale development activities. The challenge will be to keep senior citizens, people with disabilities and low-wage workers in safe, decent and affordable housing.
 - The committee discussed housing issues faced by ex-offenders who are trying to re-enter the community. It is very difficult for those with imperfect criminal histories, especially African-American males with felony convictions, to find housing in Ohio. In late 2012, the city of Lakewood faced a pending federal lawsuit filed by the owners of housing that accused the city of Fair Housing Act violations and racism based on events involving a youth re-entry

program. The committee talked about disparate impact studies involving ex-offenders and several successful re-entry programs.

- A recent census of the Amish population estimates that a new Amish community is founded in the United States about every 3-½ weeks and shows that more than 60 percent of all existing Amish settlements have been founded since 1990. Ohio is home to the most Amish community members – 60,233. Thirty-four of Ohio's 54 settlements have been established since 1990, a trend that contributes to the state's large Amish population. According to the report, Holmes County has the highest percentage of Amish in the United States with 42 percent. The Greater Holmes County settlement, which covers six counties (Holmes, Wayne, Tuscarawas, Coshocton, Stark and Ashland) is the largest settlement in the United States, with nearly 30,000 Amish. For more information, contact Joseph Donnermeyer at Donnermeyer.1@osu.edu.
- The Violence Against Women Reauthorization (VAWA) Act of 2013 was signed into law on March 7, 2013, and includes new housing protections that will have implications for additional HUD programs including but not limited to recipients of HOME Investment Partnerships Program; HOPWA housing program; McKinney-Vento Homeless Programs; Low-Income Housing Tax Credit and U.S. Department of Agriculture Rural Development properties. HUD is developing regulations to codify the protections for HUD-covered programs and to provide guidance on the statutory provisions. It should be noted that certain policies and practices that treat victims of domestic violence different from other tenants may be considered to be discrimination on the basis of sex under the Fair Housing Act due to direct discrimination, unequal treatment, or disparate impact.

Following the meeting, the materials distributed during the meeting were mailed to the advisory committee members who were unable to attend the meeting.

**Ohio Development Services Agency
Office of Community Development**

FY 2014

**Fair Housing and New Horizons Fair Housing Assistance Program
Advisory Committee Meeting
Creekside Conference and Event Center
October 1, 2013**

ATTENDANCE LIST

<u>NAME</u>	<u>ORGANIZATION</u>
Missy Frost	Greene County
Joyce Hill	Ohio Development Services Agency, Office of Community Development
Janet Hofmann	Ohio Department of Aging
Tamra Lowe	City of Chillicothe
Donald B. Eager	Consultant
Linda Eager	Consultant
Karen Sprague	Gallia County
Elizabeth Hale	Consultant
Evelyn King	Cambridge/Guernsey County
Greg Kramer	Access Center for Independent Living
Leslie Alley	ACCESS Center
Tim Allen	Ohio Development Services Agency, Office of Community Development
Kelan Craig	Ohio Development Services Agency, Office of Community Development
Ash Lemons	The Ability Center of Greater Toledo
Nadine Thompson	WSOS
Diana Patton	Toledo Fair Housing Center
Marilyn Tobocman	Ohio Attorney General's Office
Carl White	Regional Housing- retired
Ben Kenny	WSOS
Spencer Wells	Advocate

Absent:

Carolyn Murphy or Representative	HUD (federal government shutdown)
Heather Martin	LUC Regional Planning Commission
Veronica McLaurine	Lima/Allen Council on Community Affairs
Katie Steinberger	Marion County Regional Planning Commission
Ronnell Tomlinson	Ohio Civil Rights Commission (medical leave)