

Fair Housing Action Plan

Lakewood, Ohio

Preamble

Lakewood considers a broad range of fair housing issues and their implications in the development and implementation of the community's five year Consolidated Plan and one year Action Plans. The City is deeply committed to promoting non-discrimination, affirmatively furthering fairness and equality in all of its housing activities and programs; identifying and eliminating barriers to fair housing choice; and ensuring all residents and those seeking residency in Lakewood enjoy equal access to decent, safe, affordable housing.

Lakewood vigorously and consistently enforces fair housing laws and regulations prohibiting discrimination in the sale, rental, and financing of dwellings on the basis of race, color, religion, national origin, gender, disability, and familial status. Moreover, the City's local fair housing ordinance extends protected class status on the basis of ancestry and sexual orientation.

Lakewood's Analysis of Impediments to Fair Housing Choice (AI) reviews the city's laws, regulations, policies, procedures, and practices; assesses their impact on housing location, availability, and accessibility; evaluates public and private conditions affecting fair housing; and offers recommendations to mitigate/eliminate barriers to fair housing choice.

The AI serves as the basis for fair housing planning; provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates; and assists in building public support for fair housing efforts. It is posted on the Lakewood's website and the City's Fair Housing Officer is available to answer questions regarding its contents and the actions being taken to eliminate impediments to fair housing choice in the community. Impediments are defined as actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices for protected classes.

The AI states “the past decade has seen Lakewood’s racial composition gradually move toward what it would be in a free and unitary housing market devoid of racial discrimination,” the city is extremely well-positioned to achieve the goal of become one of “the Cleveland area’s few stable, racially diverse cities,” and that “Lakewood enjoys a plethora of advantages that strongly suggest the city has an excellent opportunity to achieve stable racial diversity throughout its borders” including:

- *Location.* Lakewood continues to be attractive to all households thanks to its excellent access to downtown Cleveland by both public transportation and by car.
- *Excellent Public Schools.* Lakewood’s public schools continue to attract households of all races and ethnicities that want a high quality education for their children. The racial composition of Lakewood’s public schools reflects a community integrating in the incremental manner needed to achieve stability and long-term racial diversity.
- *Gradual In-Migration of African Americans:* The pace of integration in Lakewood has been largely incremental, reflecting the early stages of a free and unitary housing market;
- *Leadership:* City government’s proactive and pre-emptive recognition and action to initiate the policies and programs needed to achieve and maintain stable racial integration.

Fair Housing Action Plan

The City of Lakewood will take the following actions on an ongoing basis to eliminate the barriers to fair housing identified in the City’s *Analysis of Impediments to Fair Housing Choice*. The goals of Lakewood’s Fair Housing Action Plan include:

- continuously improve Lakewood’s Fair Housing processes & procedures;
- increase fair housing awareness among landlords & real estate agents;
- investigate and combat racial steering;
- enhance the provision of landlord-tenant services;
- utilize federal funds to enhance the quality & supply of the City’s affordable renter and owner housing stock;
- monitor housing ads and penalize discrimination against housing subsidy recipients;
- support regional efforts to stimulate a free, unitary housing market;
- integrate fair housing into Lakewood’s long-term planning process;
- discourage blockbusting & panic peddling;
- increase fair housing awareness among City staff and officials;
- ensure City zoning ordinances and land use policies support fair housing;
- monitor and discourage discrimination in home mortgage lending.

The City’s Development Officer will monitor, evaluate, and document fair housing activities; revise and/or update the FHAP, as necessary; and report progress toward

achieving Fair Housing Action Plan goals and objectives to HUD annually in the City's Consolidated Annual Performance & Evaluation Report (CAPER).

Issue: Lakewood's Fair Housing Processes & Procedures

Lakewood's fair housing process requires improvement to ensure any resident who believes he/she may have faced discrimination can easily and quickly contact a live person to discuss the facts of the situation; file a formal complaint; and obtain essential fair housing information.

Actions: Fair Housing Officer, Complaint Process & Access to Information

- *Fair Housing Officer:* Lakewood has appointed a Fair Housing Officer (FHO) as the City's point person on fair housing issues whose responsibilities include administering and adjudicating fair housing complaints (including accepting, investigating and conciliating complaints, determining liability, fashioning remedies, imposing penalties, and maintaining records); serving as the City's fair housing expert; developing and implementing a staff education and training program; facilitating community, regional and intergovernmental partnerships; developing and negotiating fair housing services contracts; partnering with the City's Development Officer to ensure the City's housing programs are implemented in accordance with fair housing regulations; conducting outreach to landlords, management companies, advocacy groups, and the real estate industry; developing and maintaining the fair housing section of the City's website; representing the City at community events including meetings of the regional Fair Housing Consortium; coordinating the City's annual participation in Fair Housing Week; and partnering with the City's Law Department and the Housing Research & Advocacy center to plan and implement quarterly landlord education seminars. Lakewood's phone operators and receptionists will refer all calls about housing discrimination to the City's Fair Housing Officer.
- *Fair Housing Complaint Process:* As referenced above, housing discrimination complaints can be filed with the City of Lakewood's Fair Housing Officer. Per the City's Fair Housing Ordinance, the complainant must file within 180 days of the alleged discriminatory action. If the Fair Housing Officer determines there are reasonable grounds to believe a violation has occurred, he can attempt to conciliate the complaint within five working days of its filing date. Alternatively, the Fair Housing Officer may consult with the City's Planning & Development Director and Law Director to determine if a fair housing violation has occurred and if so, the Law Director issues a Cease and Desist Order. If the violator fails to rectify the offending behavior within 15 days, the Fair Housing Officer and the Law Director initiate appropriate legal action via the City's Law Department, the complainant's attorney, the Ohio Civil Rights Commission, or the U.S. Department of Housing and

Urban Development. If at the conclusion of the informal hearing, the Planning & Development Director and the Law Director determine upon the preponderance of the evidence presented that the person complained against has not violated this chapter, the Directors shall issue an order dismissing the complaint.

- *Access to Information:* 1) Lakewood is developing a Fair Housing section for the City's website that will include clear explanations of federal state and local fair housing laws and protected classes; the City's fair housing complaint process and the information and materials required to file a discrimination complaint; links to local, state and federal fair housing resources; practical tips on how to recognize discrimination when renting or buying or seeking financing. 2) The City is also developing and will post online a 61-page Best Rental Practices manual for Lakewood landlords containing a full chapter of sound, detailed guidance regarding compliance with city, state, and federal fair housing laws including reasonable accommodations for people with disabilities. 3) Information and materials that promote awareness of fair housing laws are posted in places of public accommodation throughout the community; 4) information regarding fair housing rights and responsibilities is integrated into all City housing program and activities.

Issue: Lack of Fair Housing Knowledge & Awareness Among Landlords & Realtors

Action: Landlord Seminars with Fair Housing Component

Lakewood will plan and implement quarterly fair housing seminars targeting rental property owners/managers and area real estate professionals. Each event will feature a candid examination of fair housing issues to increase awareness of both illegal and proper practices. Specific content, co-presented by the City's Law Director and Housing Research & Advocacy Center staff, will include the origins and applications of the letter and spirit of fair housing law; landlord responsibilities; protected classes; types of covered properties, transactions and violations; the definition of and special provisions/reasonable accommodations for persons with disabilities; advertising guidelines and sample language; prohibited actions; remedies for aggrieved parties; and available resources. Content will be reinforced with case studies and participatory role-playing. Seminars will also include a presentation by Lakewood's Housing Court judge. Special, targeted outreach efforts will be made to groups perceived at high risk for violating fair housing laws including new and "accidental" landlords who, unable to sell their homes during the market downturn, have turned to renting. In addition, Lakewood will require real estate agents retained to sell homes rehabilitated by the City to demonstrate they have received continuing education regarding fair housing laws and practices within the past year.

Issue: Racial Steering

Lakewood's AI indicates the City "has little information about the extent real estate agents and firms, rental agents, apartment managers, and landlords may or may not be engaging in discriminatory practices such as racial steering. While Lakewood has experienced a healthy incremental increase in the proportion of African Americans in most of its census tracts, the proportion of Blacks in five tracts (1606.01, 1606.02, 1616, 1617, 1618) in the city's east end has grown more than incrementally during the past decade suggesting elements in the real estate industry may be steering African Americans to housing in these integrating neighborhoods.

Action: Systemic Rental & Sales Audits

Lakewood will utilize CDBG Administration funds to contract with the Housing Research & Advocacy Center to conduct twenty-five (25) systemic rental audits and ten (10) systemic sales audits using trained individuals to determine first-hand if discrimination is occurring against protected classes. Follow-up tests will be performed if the initial rental or sales audit indicates possible discrimination. Special attention will be paid to census tracts in the City's east end identified in the AI where more rapid growth of the African American population suggests the possibility of racial steering. Should evidence of steering or other fair housing violations be discovered, the City will follow-up with the offending parties and work closely with them to ensure proper education and training is provided to increase awareness and discourage steering and other illegal practices. Records of audits and testing will be maintained in formats that can be used by enforcement agencies and/or plaintiffs.

Issue: Landlord Tenant Services

Expert advice regarding all manner of issues is important for both tenants and landlords at all stages of this often delicate, sometimes volatile, frequently litigious relationship.

Actions: Continue to Provide & Enhance Landlord Tenant Services

- Lakewood will utilize CDBG Administration funds to contract with the Cleveland Tenants Organization to staff a free Rental Information Hotline to assist Lakewood tenants and landlords resolve common points of landlord-tenant dispute; staff a weekly Rental Rights Clinic to provide free legal advice on civil matters for extremely low-, low-, and low moderate-income individuals; and conduct individual mediations, as required.
- The City offers landlords a discounted Bulk Tenant Screening Service.

Issue: Rental Property Maintenance & Improvement

Rental property deterioration reduces demand for housing among those who have the greatest range of choices regarding where they can live. With approximately 1,700

residential landlords and 55 percent of its housing stock being rental, it is important to ensure Lakewood's rental properties are properly maintained.

Action: Federal Funding Support for Rental Property Maintenance & Improvements

- Lakewood dedicates a considerable portion of its annual CDBG allocation to support the exterior inspection of all residential structures in the City's designated low-moderate income areas.
- Lakewood's CDBG-funded Rental Restoration Low-Interest Loan product offers up to \$15,000 per unit of affordable financing to rental property owners for the rehabilitation of structures with at least 51% occupancy by low-moderate-income households.
- The City's CDBG-funded Housing Outreach & Education Program refers eligible residents to the state-funded Home Weatherization Assistance Program (HWAP). HWAP services range from safety inspections to whole-house insulation, and the upgrade or total replacement of entire furnace and electrical systems. Together, these programs work hand-in-hand to maintain and improve Lakewood's rental housing stock.

Issue: Affordable Rental & Owner Housing

Lakewood should utilize, to the greatest extent feasible, its limited federal resources to maintain, increase, and enhance the City's supply of rental and owner-occupied housing affordable to low- and low- moderate-income households.

Actions: Federal Funding Support for Affordable Housing Programs

Lakewood will utilize a significant portion of its annual CDBG, HOME, and NSP funds to support the following programs that enhance housing affordability for low- and low-moderate income households.

- *Home Improvement Loan & Grant Program (CDBG)*: issues home improvement grants and low-interest loans that enable low-moderate income homeowners to maintain and make emergency repairs to their homes and strengthen the City's aging housing stock;
- *First Time Homebuyer Down Payment Assistance Program (HOME)*: reduces the up-front costs of homeownership for first-time homebuyers;
- *Property Revitalization Programs (CDBG, HOME, NSP)*: the acquisition and rehabilitation of vacant, distressed properties and the new construction of high quality affordable homes for sale to low-moderate income households;
- *Paint Rebate Program (CDBG)*: provides rebates of up to \$1,000 to low-moderate income homeowners for expenses associated with exterior residential paint projects.

- *Housing Outreach & Education Program*: facilitates exterior home improvements and the correction of code violations among low-moderate income Lakewood homeowners and tenants by assisting them in understanding and complying with City building codes and ordinances; applying for public assistance programs; and assessing property maintenance and improvement needs.

Issue: Refusal to Rent to Section 8 Voucher Holders & Recipients of Other Housing Subsidies

Refusal to rent to households with a Housing Choice Voucher has a disproportionate effect on African Americans and Hispanics who tend to comprise a larger proportion of voucher holders due to the lower median incomes of these groups. According to Lakewood's AI, nearly one in ten Lakewood rental advertisements specified no Section 8 vouchers would be accepted.

Action: Housing Ad Surveillance

Lakewood's Housing Officer will periodically review rental housing advertisements for language indicating non-acceptance of Section 8 vouchers or discrimination against recipients of other housing subsidies. Should advertisements containing such language be discovered, those placing the ads will be contacted and informed this practice is not acceptable. The City will consider sanctions, including revoking the licensure of repeat offenders.

Issue: Greater Cleveland's Dual Housing Market

A Dual Housing Market - one for Caucasians and one for African Americans - has historically been a substantial impediment to fair housing choice for greater Clevelanders, including Lakewood residents and those seeking Lakewood residency.

Action: Regional Collaboration to Stimulate A Unitary Housing Market

The City of Lakewood is committed to active collaboration with a variety of public and private partners, including the Cleveland Area Board of Realtor's Cultural Diversity in Housing Committee, Cuyahoga County, the City of Cleveland, and other Cleveland-area suburbs to transform the region's distorted dual housing market into a free unitary market and to continue the progress Lakewood has made over the past decade in this regard.

Issue: Fair Housing & Lakewood's Planning Process

According to the City's AI, "virtually any action or policy decision the City makes can affect its ability to remain racially diverse." As such, "Lakewood must consider and incorporate fair housing into its planning and implementation processes."

Action: Integrate Fair Housing Into Lakewood Community Vision

Lakewood's City Council and its Planning Commission recently initiated a series of workshops involving residents, government officials and business leaders to update Community Vision, the City's consolidated planning document. Lakewood's Fair Housing Officer will ensure the impediments and recommendations contained in the City's AI are discussed and fully considered during the planning process.

Issue: Blockbusting & Panic Peddling

Blockbusting by real estate agents encourages white property owners to sell their homes at a loss by implying racial, ethnic, or religious minorities are moving into their previously racially segregated neighborhood, thus depressing real estate property values.

Action: Do Not Solicit Registry

A registry of residents who do not wish to be solicited will be maintained and periodically distributed to real estate firms active in the City. Residents can sign up for and/or remove themselves from the non-solicitation list online via the City's website.

Issue: City Staff & Officials' Fair Housing Knowledge & Awareness

The AI stressed the importance of training elected officials and municipal staff on local, state and federal housing laws, the public's rights under these laws, and the intake and complaint processes.

Action: Build Fair Housing Capacity Among City Staff & Officials

Staff from multiple City departments that regularly encounter fair housing issues participate in appropriate education and training opportunities. Most recently, staff from the City's Planning & Development and Building & Housing departments attended a HUD-sponsored seminar concerning changes in accessibility laws, federal fair housing requirements, changes to Ohio's Building Code, and the Visitability Movement.

Issue: Zoning & Land Use Policies

Decisions related to the development or use of such land may not be based upon the race, sex, religion, national origin, color, disability, or familial status of the residents or potential residents who may live in the dwelling. Similarly, a municipality may not make zoning or land use decisions based on neighbors' fears that a dwelling would be occupied by members of these protected classes. Zoning ordinances may not contain provisions that treat uses such as affordable housing, supportive housing, or group homes for people with disabilities differently than other similar uses, and municipalities may not enforce ordinances more strictly against housing occupied by members of protected classes.

Action: Periodic Review of Zoning Ordinances & Land Use Policies

While Lakewood's AI does not identify any impediments to fair housing choice whatsoever associated with the City's zoning ordinances or land use policies, it recommends ongoing diligence to ensure they remain as such. Therefore, the Fair Housing Officer, in consultation with the City's Director of Planning & Development and staff from the Division of Building & Housing will periodically review of the City's zoning ordinances and land use policies to ensure they do not restrict fair housing choice.

Issue: Home Mortgage Loan Discrimination

The City's AI references increased rates of home mortgage loan denials among Cleveland-area minority populations.

Action: Monitor HMDA Data

Although the sample size was too small to affirmatively demonstrate mortgage loan discrimination against minority applicants in Lakewood, the City will monitor HMDA data on an ongoing basis, follow-up with institutions suspected of discriminatory practices, and consider suspending business relationships, if any, with organizations engaging in such practices until corrective action is taken.