

2015

Regional Analysis of Impediments to Fair Housing for Montgomery County and the Cities of Dayton and Kettering, OH

Section 4 — Fair Housing in the Private Sector

This PDF contains only a section of the AI.

*For the other sections or the entire AI,
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Section 4 — Fair Housing in the Private Sector

As part of the AI process, the Department of Housing and Urban Development suggests reviewing housing discrimination in the private sector including mortgage lending, the real estate market and the rental market including the development of multi-family housing both for sale and for rent.

A. Mortgage Lending and the Real Estate Market

Since 1990 the Miami Valley Fair Housing Center (MVFHC), the Department of Housing and Urban Development (HUD), the City of Dayton, the City of Kettering and Montgomery County have worked and collaborated with many organizations to combat lending discrimination, predatory lending practices, mortgage rescue scams, and other foreclosure-related problems such as abandoned housing and blight caused by the neglect of bank-owned (REO¹) properties in minority neighborhoods. As our analysis below shows, barriers to fair housing choice and to housing availability still exist in Montgomery County, Dayton and Kettering.

Home Mortgage Disclosure Act (HMDA)

The Home Mortgage Disclosure Act (HMDA)—enacted by Congress in 1975 and implemented by the Federal Reserve Board's Regulation C—requires lending institutions to report public loan data to the federal government. Private individuals as well as businesses and other organizations can access this data for review. Fair housing groups examine HMDA data in order to:

- determine if there are racial and/or ethnic disparities (or other disparities such as by gender) among persons denied mortgage loans and
- determine if there are racial and/or ethnic disparities (or other disparities such as by gender) among borrowers obtaining high-cost loans.

In 2009, the Federal Financial Institutions Examination Council (FFIEC), looking at lending patterns from 2004–2008, reported, that, as confirmed in previous studies, African-American and Hispanic borrowers received high-cost loans more frequently than did non-Hispanic White borrowers.² The FFIEC also found that in 2008 African Americans and Hispanics encountered significantly higher rates of denial for both home purchases and refinancing than did non-Hispanic Whites. Locally, in Montgomery County, the FFIEC found that for the five-year period from 2004–2008 the denial rate for African Americans was 7.0% greater than their application rate. For non-Hispanic Whites, the rate of denial over that of application for the same period is only 6.2%.

The Housing Research and Advocacy Center (HRAC), studying lending patterns in Ohio, found that from 2009 onwards it was difficult to draw conclusions from the data they found for Dayton because of the “relatively low number of borrowers.”³ However, data from the HRAC report, released in 2013, does match disparities found in earlier studies:

- The racial/ethnic group with the highest rate of denial for home purchase loans was low-income Asian applicants, at a rate of 54.55%.
- Low-income African-American borrowers were given high-cost home purchase loans 6.49% of the time, compared to 2.83% for low-income Whites.
- Low-income African Americans were denied refinance loans 68.66% of the time, compared to 44.39% for low-income Whites.
- For refinance loans, low-income African Americans were given high-cost loans 10% of the time, compared to 4.03% of the time for low-income Whites.³

Charts 4-1 through 4-4 on the next page illustrate that Whites have the lowest rate of denials for home purchase and refinance loans, and they also have the lowest rates of receiving high-cost mortgage products. Lending disparities continue to be an impediment to fair housing in the Miami Valley.

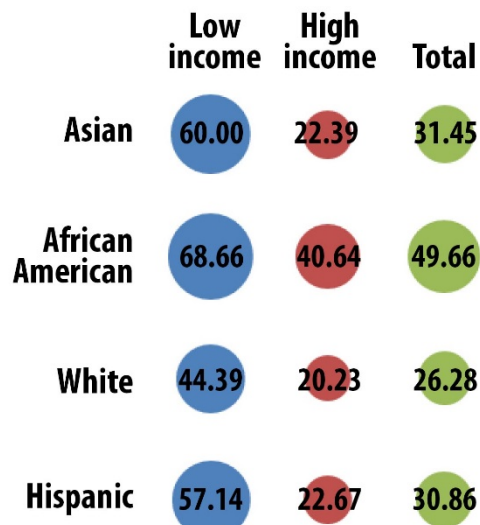


Chart 4.1: Purchase loan denial rates of lower- and upper-income individuals, Dayton MSA, 2011³

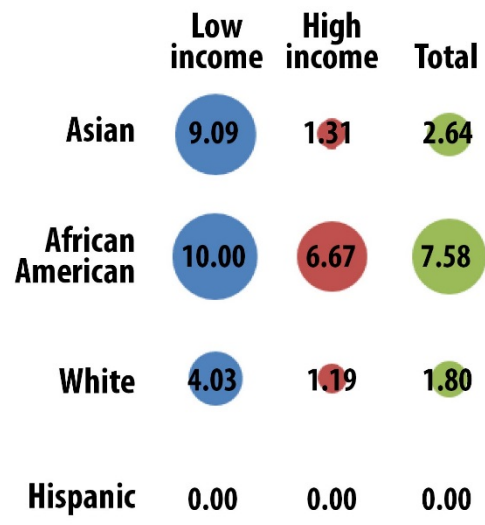


Chart 4.2: High-cost purchase loan rates of lower- and upper-income individuals, Dayton MSA, 2011³

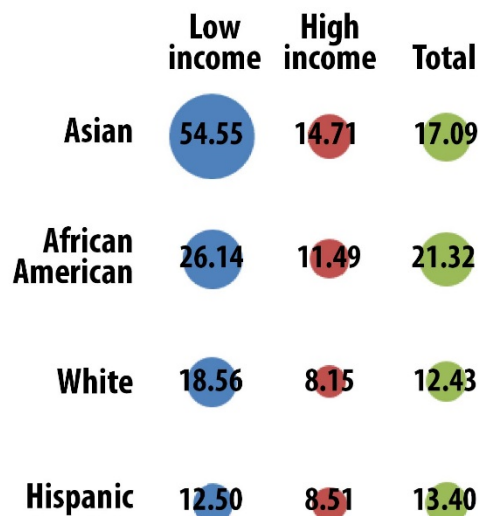


Chart 4.3: Refinance loan denial rates of lower- and upper-income individuals, Dayton MSA, 2011³

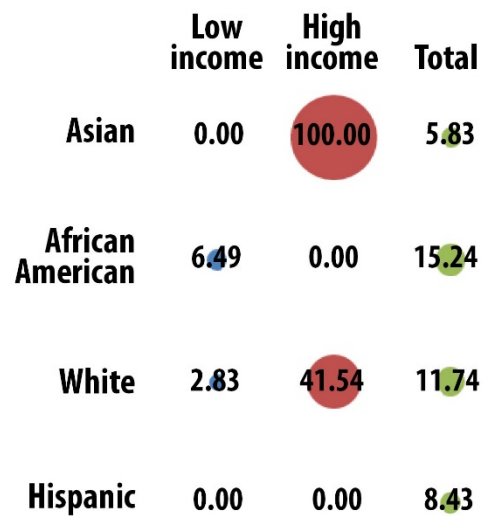


Chart 4.4: High-cost refinance loan rates of lower- and upper-income individuals, Dayton MSA, 2011³

Community Reinvestment Act (CRA)

The provision of capital and resources to build and sustain neighborhood amenities—for example, schools, grocery stores, lending institutions, and small businesses—is an element of housing choice and availability. Enacted in 1977, the CRA encourages lending institutions to meet the credit needs of all areas of the regions in which they operate, including both higher income areas and low-to-moderate income (LMI) neighborhoods. The intent behind this is to build housing choice by creating greater opportunity in LMI neighborhoods.

In 2015 MVFHC did an analysis of CRA data for the City of Dayton (the study did not include the City of Kettering or areas of Montgomery County outside Dayton). MVFHC's analysis looked at single-family loan originations and small business loan originations to determine whether lending for home purchases and economic development was distributed evenly throughout the City of Dayton. MVFHC determined that “the large banks are disproportionately promoting services to white consumers and at the same time excluding racial minority consumers.”⁴

MVFHC determined that despite Dayton having about equal numbers of white and minority residents, only 18% of home loans originated in 2013 in Dayton were for minority borrowers. This disparity is seen in HRAC's analysis of HMDA data in Chart 4.1 on page 83 showing that African Americans of all income levels are denied home purchase loans 49.66% while Whites are denied home purchase loans 26.28% of the time.

MVFHC also determined that small business growth in the City of Dayton has stagnated, significantly limiting opportunity in Dayton neighborhoods and thus reducing housing choice. One hopeful note is that the “Dayton region ranks No. 44 among the best places in the U.S. for Black-owned businesses,” with 7.2% of small businesses being owned by African Americans.⁵ However, as discussed in Section 1 on page 29, the city could do more to encourage the use of minority business enterprises in city contracts.

MVFHC concluded its analysis by noting:

The large banks' lending practices and placement of branch locations in the City of Dayton show that the banks are overwhelming catering to only half of Dayton's population and these practices shockingly run on racial lines. Furthermore, with the downturn in small business lending, credit availability is a significant barrier to community development, especially for Dayton's racial minorities.

In summary, the large banks are not meeting the credit needs of Dayton’s residents. The banks’ practices appear to go against the purpose of the CRA and are exactly opposite of what the CRA promotes. Mainstream banks must do more to support all segments of the population.

Because the City of Dayton has the largest concentration of LMI neighborhoods, its citizens are more keenly affected by lending disparities than are those in Kettering or the rest of Montgomery County. However, members of protected classes in the entire region, particularly those in LMI neighborhoods, have insufficient lending choices and availability.

Foreclosure and Foreclosure Prevention

“Additional funding to support residential foreclosure prevention efforts” was identified as a fair housing and fair lending need in the 2010 *Regional Fair Housing Plan* for Montgomery County, Dayton, and Kettering⁶ as well as in the 2010 analyses of impediments for Greene County⁷ and for Miami County.⁸ The Center for Responsible Lending also concluded in 2010 that foreclosures have a disparate impact on African-American homeowners.⁹ MVFHC, through its foreclosure prevention services, comes to the same conclusion.¹⁰ Over 91% of MVFHC’s recent foreclosure clients have been elderly, African American, disabled, or a combination thereof.

Category*	July 2013		July 2014	
	# of clients	% of case load	# of clients	% of case load
Families with children	9	23%	20	41%
Racial minorities	10	26%	21	43%
Seniors	17	44%	27	55%
Disabled	4	10%	7	14%
Women	23	59%	33	67%
Total	39	100%	49	100%

*Some clients belong to multiple categories

Table 4.5: MVFHC foreclosure clients by disadvantaged category

A 2010 investigation by the *Dayton Daily News* also found lending disparities by race. The newspaper found that upper-income African Americans were denied home loans—whether for purchase or refinance—at a greater rate than low-income Caucasians.¹¹ Also, homeowners in predominantly African-American neighborhoods in Montgomery County have a greater percentage of high-cost loans than do those in predominantly non-African-American neighborhoods. In spite of efforts to prevent foreclosures, the difficulty of

minorities' obtaining purchase or refinance mortgages continues to be an impediment to fair housing.

Poor maintenance by banks of their REO properties in minority neighborhoods has exacerbated the problems of lending in these neighborhoods.¹² The ability of people to buy lower-cost homes in these neighborhoods has been limited, as has the ability of low-income and minority homeowners to refinance.

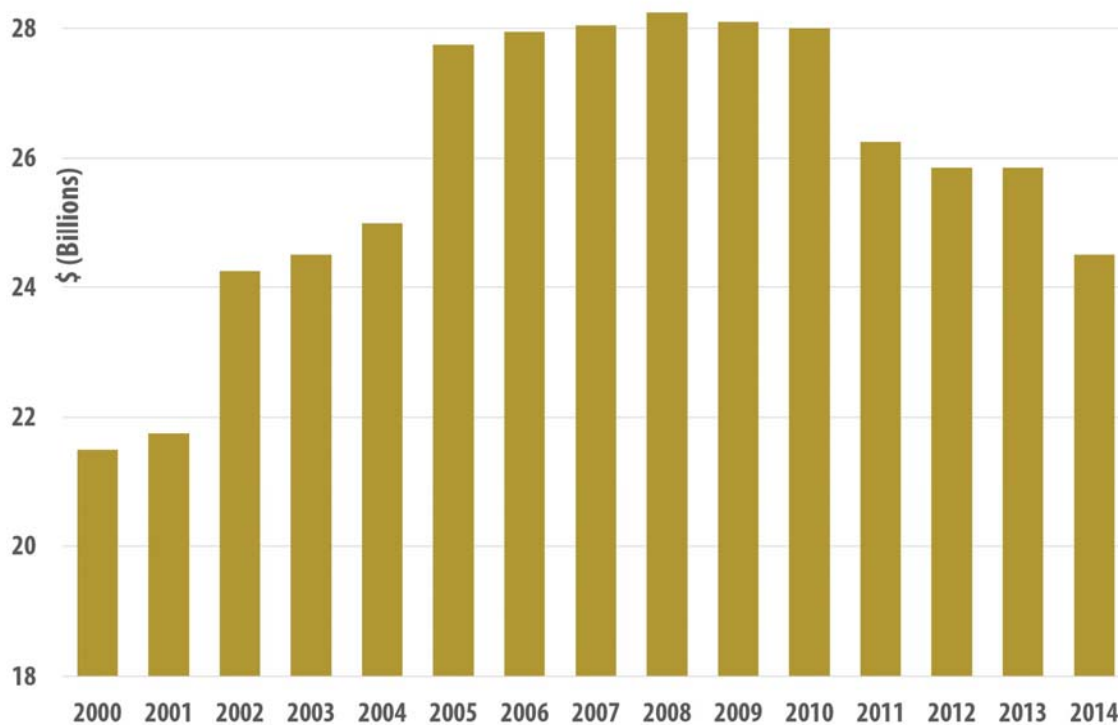


Chart 4.6: Property values in Montgomery County, 2000–2014¹³

The substantial devaluation of many homes in low-income and minority neighborhoods has greatly hindered the ability to sell or refinance these homes. Most lending institutions will not finance the purchase of houses valued below \$50,000, and most people in minority neighborhoods cannot afford to pay cash for such homes.

Montgomery County Auditor Karl Keith explained the cycle of foreclosures, abandonment, vacancies, and declining property values at MVFHC's annual fair housing conference held April 2, 2015.¹⁴ Mr. Keith reported on the decline in the number of residential house sales in Montgomery County from 7,710 sales in 2005 to a low of 2,943 sales in 2011 (see table 4.7 on the next page). Sales have since increased to 5,163 sales in 2014, but have not reached their pre-recession levels.

Mr. Keith said that “the county’s total property value has dropped by 3.5 billion dollars, the lowest level in 12 years.”¹⁵ In 107 neighborhoods in the City of Dayton, about half of all Dayton’s neighborhoods, there were no residential house sales in a period of more than 12 months between 2013 and 2014.¹² The greatest losses in property values between 2007 and a county-wide property revaluation in 2014 were in the City of Trotwood (-31%), Harrison Township (-29%) and the City of Dayton (-29%).

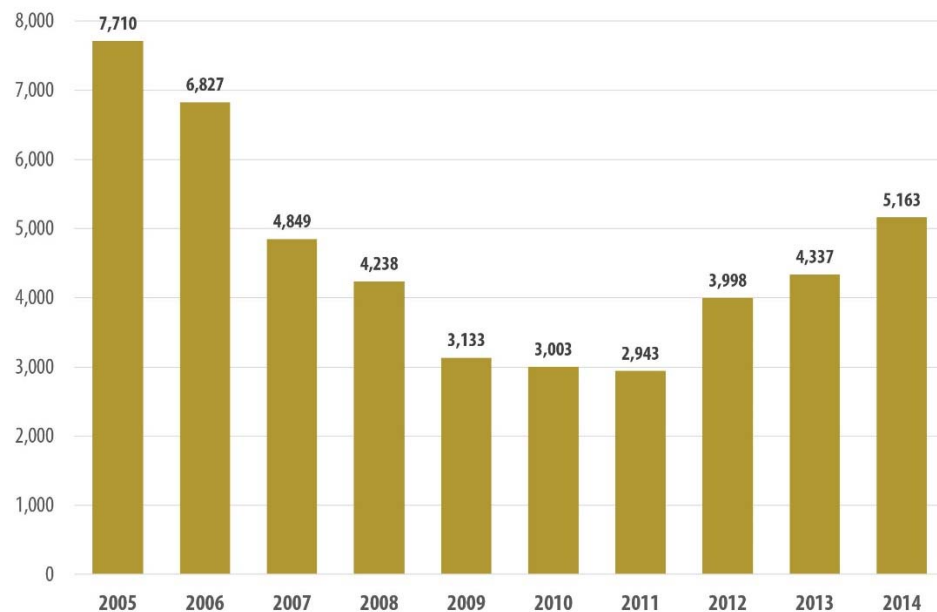
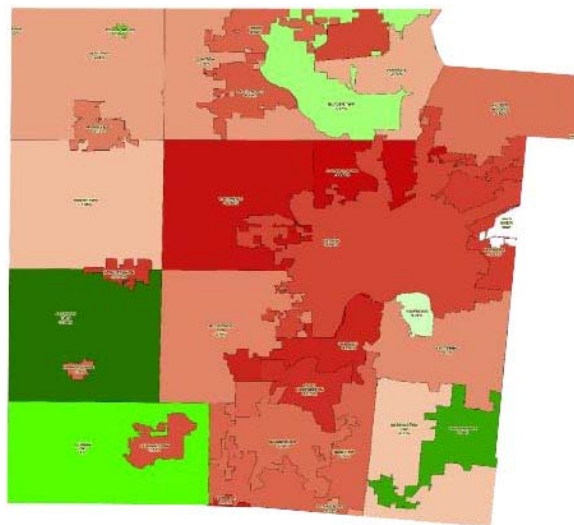


Chart 4.7: Number of residential sales by year, Montgomery County¹²

Map 4.8 shows how each area in Montgomery County was affected by the revaluation.



Red areas experienced declines in value; green areas experienced increases.

Map 4.8: Results of 2014 Montgomery County property revaluation¹²

Despite the downward spiral in property values, vacancy rates for both owner-occupied and rental properties are returning to better levels, as shown in Table 4.9 below. Homeowner vacancy rates declined slightly in Kettering and Montgomery County but in Dayton declined significantly from 7.8% in 2010 ACS to 4.5% in 2013 ACS.

	City of Dayton		City of Kettering		Montgomery County	
	2011–2013 estimate	2008–2010 estimate	2011–2013 estimate	2008–2010 estimate	2011–2013 estimate	2008–2010 estimate
Total housing units	74,771	75,783	26,659	28,099	254,022	254,883
% occupied	76.6%	77.8%	93.0%	90.9%	87.2%	87.2%
% vacant	23.4%	22.2%	7.0%	9.1%	12.8%	12.8%
Homeowner vacancy rate	4.5%	7.8%	1.8%	3.3%	2.6%	3.4%
Rental vacancy rate	8.2%	14.4%	2.0%	8.3%	6.2%	11.1%

Table 4.9: Housing occupancy¹⁶

B. The Rental Market

From 2010–2013 rental vacancies have declined in all three entitlement jurisdictions, as shown in Table 4.9 above. The rental vacancy rate for Montgomery County has declined by 44%, going from 11.1% of available units being vacant to 6.2%. Kettering’s rental vacancy rate declined by 75%, going from 8.3% of available units being vacant to 2%. Dayton’s rate declined by 43%, going from 14.5% of available units being vacant to 8.2%.

Montgomery County has nearly 7,000 abandoned properties, many of which are older housing in low-income and minority neighborhoods. Of the current housing stock 42.5% was built prior to 1950. In many cases owners cannot afford to maintain or rehabilitate their houses; without intervention this will lead to the eventual abandonment and demolition of these properties, having a significant effect on low-income and minority neighborhoods, further limiting available affordable rental housing there.

Two groups—large corporations and small landlords—make up the private rental market in Montgomery County. Large apartment complexes are owned by corporations such as Miller Valentine Group, Connor Group, and Oberer Companies; these companies typically manage or own several thousand units, often in multiple cities or states. Smaller landlords manage 500 or fewer units, often as few as one or two units.

Two trade associations in Dayton represent these groups. The Greater Dayton Apartment Association represents many of the larger firms. The Greater Dayton Real Estate Investment Association represents many of the smaller landlords.

These associations include members other than landlords, such as people or companies who, for example, maintain heating and air conditions systems, do maintenance of buildings or grounds, perform background checks, or do appraisals. Many licensed real estate agents (most of whom belong to the Dayton Area Board of REALTORS®) also do property management. Because all these services are part of making housing available in the rental market, they are covered by the Fair Housing Act, and those who provide these services need education on their fair housing obligations. Housing discrimination complaints have been made against contractors as well as maintenance and service personnel based on, for example, racial and sexual harassment.

Fair Housing Act Design and Construction Requirements

In addition to requiring that people be treated equally, the Fair Housing Act also requires that new multi-family housing be designed and constructed according to accessibility guidelines with the objective of making more housing available to people with disabilities. Seven basic accessible design and construction requirements were added to the Fair Housing Act in 1988, applying only to multi-family housing in which there are four or more units in a building where there is at least one ground floor unit. In order to be covered by the requirements, buildings must be newly constructed for first occupancy after March 13, 1991. Multi-family housing created from substantial renovations or conversions are not covered by the requirements.¹⁷

The accessible design and construction requirements are:

1. An accessible building entrance on an accessible route.
2. Accessible public and common use areas.
3. Usable doors (usable by a person in a wheelchair).
4. Accessible route into and through the dwelling unit.
5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.
6. Reinforced walls in bathrooms for later installation of grab bars.
7. Usable kitchens and bathrooms.

In 2013, HUD and the Department of Justice (DOJ) released a Joint Statement on the “Accessibility (Design and Construction) Requirements for Covered Multi-family Dwellings under the Fair Housing Act”¹⁸ in order to clarify the requirements. This guidance provides assistance to housing design and building professionals to direct them in meeting their obligations, while also educating persons with disabilities about their rights regarding the accessibility of newly constructed multi-family housing.¹⁹

The 2010 *Regional Fair Housing Plan*⁴ cited a lack of available accessible homes as an impediment. The 5-year action plan, spanning 2010–2015, regarding this impediment included supporting education and outreach about accessible design and construction and the testing of newly constructed multi-family buildings. In 2012 and 2013, the Human Relations Council (HRC) of the City of Dayton and MVFHC were major sponsors of a statewide accessible design and construction training, held in Columbus, and open to all architects and contractors. Both years, there were nearly 100 people in attendance. Within Montgomery County, MVFHC observed little construction of covered multi-family dwellings during the 2010–2015 timeframe because of the downward turn of the housing market and recession. The multi-family housing that was completed during this timeframe were the newly constructed townhouses in downtown Dayton, the conversion of industrial buildings into residential units, and multi-family housing with less than four units in a building, such as triplexes or duplexes. None of this newly created housing is covered by the accessible design and construction requirements.

Anecdotal information suggests that multi-family housing construction starts in other Ohio markets, such as Greene County and Franklin County, have increased since 2010. Locally, Miami Township, in its master plan for the Dayton Mall area, has found a “growing imbalance” between small households and the supply of rental housing such households prefer, and therefore the township calls for the creation of new market-rate multi-family housing in the Dayton Mall area.²⁰

MVFHC—through its design and construction testing of multi-family housing in the Dayton area since 2006 and more recently in other Ohio markets—has discovered a significant number of units that are not built in compliance with FHA accessibility requirements. Both the availability of accessible housing and compliance with design and construction requirements remain barriers to housing choice in both private and public housing markets.

C. Fair Housing Testing

MVFHC conducted additional testing of housing providers specifically for this report in order to explore other potential barriers in housing opportunity.²¹ MVFHC structured these investigations to look at obstacles faced by four specific populations—people with disabilities, people of color, families with children, and people with Housing Choice Vouchers (HCV), formerly and more commonly known as Section 8. Disability, race, and familial status are protected classes under the federal Fair Housing Act. Source of income (including using HCVs) is not a protected class under the Fair Housing Act, but we thought it important to better understand the unique barriers to housing choice faced by

home seekers with vouchers. MVFHC tested in Dayton and Kettering as well as within other areas in Montgomery County in order to gain a better perspective on the variety of obstacles encountered in the area.

Disability

MVFHC's disability testing examined market-rate housing which a person with Social Security Disability Income (SSDI) would be able to reasonably afford. MVFHC found a limited number of decent and affordable housing units, but found that when attempting to test a housing provider for its treatment towards people with disabilities, the unit had already been rented. Based upon this limitation, MVFHC focused its five disability tests on HUD-subsidized complexes. In these investigations, the tester, a person who used a wheelchair, inquired about availability and accessibility of units for herself. The results of the tests illustrate limited affordable housing options for people with disabilities. At two subsidized complexes, the tester made three calls over multiple days, leaving multiple messages, without any response. At three HUD-subsidized properties, the tester was informed that there were waiting lists of a year or more and required an application to be submitted to be added to the waiting list. One noted that the wait was much longer for the ground floor units. Only one complex offered to mail an application to the caller after being asked about wheelchair accessible units, while another complex stated an application could only be obtained during a two-hour timeframe three weeks later.

MVFHC conducted an additional five tests in which the households had sources of income in addition to SSDI. Two housing providers required an additional deposit and/or monthly fee for the tester's service animal. At a third location, the housing provider deemed the reasonable modification requested by the tester as being unnecessary, and therefore denied the request. Another location conditioned that the tester had to submit an application and be approved before the housing provider would consider the request for a reasonable modification at the tester's expense; this housing provider waived the application fee.

Race

MVFHC conducted fourteen tests examining race within the Montgomery County rental market. In ten of the tests, (71%), the African American home seekers received less favorable treatment than Caucasian home seekers. This ranged from minor deterrence, which may not be apparent to an individual home seeker as a different treatment, up to a refusal to respond to housing inquiries from African American testers while engaging with Caucasian testers. The testing found that African American testers were provided less

information on available units and specials; African American testers were also cautioned that there were other applicants for the unit. For example, at one location the African American tester arrived at the agreed upon time and waited for half an hour before leaving without being able to view the unit, even after calling the agent after she arrived and being informed someone would be there shortly to show her the property. The Caucasian tester viewed the unit after less than a 10-minute wait for an agent. When the African American tester called the following day, attempting again to view the property, she was informed the unit had been rented. At another location, the apartment complex required the African American tester to provide more information in order to view a unit and was shown a unit with fewer updated features than the Caucasian tester. At another location, the housing provider refused to schedule an appointment with the African American tester, even though the Caucasian tester was able to schedule an appointment and view the unit. The African American tester continued to attempt to view the unit but received no response from the housing provider, whereas the housing provider continued to contact the Caucasian tester after the test. MVFHC also observed the advertisement for the unit was reposted without the African American tester receiving a phone call from the housing provider. At a fourth location, the African American tester was informed the only available unit was well above his stated rent budget, while two Caucasian testers were told of multiple units available within the same rent range as requested by the African American. When the African American tester scheduled an appointment to view the more expensive unit, the agent called and cancelled the appointment, claiming the tenant had decided not to move. Shortly after the agent cancelled the African American tester's appointment, both Caucasians testers received calls about available units. These tests underscore that racial discrimination still occurs, often taking the form of subtle or covert differences in treatment.

Familial Status

MVFHC conducted seven tests examining familial status, or families with minor children in the household, within the Montgomery County rental market. Three of these tests produced evidence of concerns about the availability of housing for families with children. At one location, the familial status tester was steered to the first floor unit, despite units being available on both the first and second floor. The agent reiterated the familial status tester's responsibility to ensure her children did not disturb the other tenants. At another two bedroom apartment, the familial status tester was informed that she could not reside there with her toddler and infant, despite the ample square footage advertised, because the occupancy was limited to two people.

Use of Housing Choice Vouchers

Not every housing provider is willing to accept a Housing Choice Voucher as payment for rent, perhaps because landlords accepting HCVs must agree to maintain their units according to HUD's standards—allowing inspections for verification of acceptable maintenance—and because landlords must complete additional paperwork not required when renting to tenants who do not use HCVs. “No Section 8” is often seen in newspaper and online ads. MVFHC has found several instances during investigations of housing providers saying in their voicemail greetings that they do not accept Section 8.

A household using an HCV has 60 days in which to find a unit that is within the rent limit, and that can pass an inspection confirming it is safe and habitable according to HUD standards. Any unit that fails inspection twice may not be rented by the household. If the household cannot find an eligible unit within 60 days, the household is at risk of losing its HCV. People on the HCV waiting list currently wait several years before HCVs become available for them.

To determine the willingness of housing providers to accept HCVs, MVFHC conducted 20 phone tests. Eight of the locations tested were within the City of Dayton and 12 were located in suburbs—testing in different areas made it possible to see if HCVs were treated differently in higher-opportunity areas. Out of 20 contacts with housing providers of various sizes, only 2 were willing to accept vouchers; one located in the suburbs and one within Dayton. A suburban owner, citing a previous bad encounter with HCVs, was willing to consider accepting it, only after asking about household size and the employment information of the tester. It is a difficult process for HCVs holders to meet the required timeline in the best of circumstances, but if they must make dozens of calls to find a single provider that accepts the voucher then they are less likely to be able to seek or find locations that would allow them greater access to economic and educational opportunities or even better health care access. HCVs are a way for lower income households to find affordable housing outside of a subsidized building or campus and reduce high poverty neighborhood concentrations by giving people the chance to move into higher opportunity neighborhoods. Without housing providers in those neighborhoods willing to accept HCVs, housing segregation is perpetuated.

Today discrimination against people because of a disability or having children in the household is often more blatant than other forms of discrimination, with discriminatory statements being made in advertising and directly to testers and home seekers. When it comes to race the difference in treatment has become more pernicious; there are fewer

outright discriminatory statements made, so differing treatment may only be clear when compared with the information given to and treatment of other individuals. Housing discrimination testing is crucial because it allows a comparison in treatment and shows how many obstacles home seekers in our community face when engaging in a housing search. This snapshot of Miami Valley Fair Housing Center investigations in 2015, shows that housing discrimination remains all too common within the County. There are variations in the types of discrimination that occur in different jurisdictions, but its frequency significantly limits housing choice and opportunity for residents.

D. Fair Housing Complaints

HUD maintains records of housing discrimination complaints and makes data about them publicly available. Complaints made to substantially-equivalent agencies at the local or state level are also reported to HUD and included in this data.²²

Two hundred thirty-three discrimination complaints related to housing in Montgomery County were filed from 2009 to 2014.²³ Numbers of complaints by basis (protected class) by year are listed in Table 4.10 on the next page. Some complainants belong to more than one protected class, resulting in the total numbers of bases being greater than the total numbers of complaints.

In each year from 2009 to 2014 disability was the most commonly cited basis for fair housing complaints, race was the second most commonly cited, and familial status was the third.

Basis	2009	2010	2011	2012	2013	2014	Totals	% of total
Disability	24	22	25	21	13	16	121	51.93%
Race	12	18	11	13	6	15	75	32.19%
Familial status	6	7	4	7	5	7	36	15.45%
Sex	6	0	3	4	6	4	23	9.87%
Retaliation	0	3	2	3	2	3	13	5.58%
Religion	1	0	3	3	1	1	9	3.86%
National origin	1	1	1	2	2	0	6	2.58%
Color	0	2	0	0	1	1	4	1.72%
Total bases*	50	53	49	53	35	47	287	123.18%
Total complaints	45	40	39	43	27	39	233	100.00%

*A complaint may involve more than one basis and thus total bases can be greater than total complaints.

Table 4.10: Administrative fair housing complaints by basis in Montgomery County²⁴

Ohio's fair housing law has the additional protected classes of ancestry and military status. According to the Ohio Civil Rights Commission (OCRC), no housing discrimination complaints in Montgomery County were filed in 2013 or 2014 for either of these classes.

The City of Dayton's nondiscrimination ordinances add protection for the additional classes of age, marital status, sexual orientation and gender expression. HRC reported three housing discrimination complaints from 2012–2014 on the basis of sexual orientation; no complaints were filed in this period on age, marital status or gender expression. These were reported to HUD and included in HUD's data as being filed under the basis of sex.²²

The occurrence by protected class of housing discrimination complaints in Montgomery County is similar to that in the nation as a whole, as shown in Table 4.11 on the next page. Both locally and nationally, the most common bases for complaints are disability, race, and familial status. In Montgomery County the percentages for race and familial status were higher than those nationally, while the local percentage for national origin was lower than that nationally.²²

Basis	NFHA members [†]		HUD		FHAP agencies [‡]		DOJ		Total [*]	
	#	%	#	%	#	%	#	%	#	%
Race	3,659	19.2%	379	22.2%	1,995	29.5%	10	29.0%	6,044	22.0%
Disability	9,643	50.7%	1,009	59.0%	3,596	53.2%	22	50.0%	14,272	51.8%
Familial status	1,963	10.3%	186	10.9%	863	12.8%	10	18.0%	3,023	11.0%
Sex	910	4.8%	146	8.5%	731	10.8%	2	6.0%	1,789	6.5%
National origin	1,196	6.3%	444	26.0%	1,280	18.9%	4	12.0%	2,925	10.6%
Color	225	1.2%	37	2.2%	110	1.6%	0	0.0%	372	1.4%
Religion	148	0.8%	16	1.0%	205	3.0%	1	3.0%	370	1.3%
Other	1,282 [§]	6.7%	150 [¶]	8.8%	707	7.5% [¶]	0	0.0%	2,141	7.8%

[†]National Fair Housing Association (NFHA) members are private non-profit fair housing agencies such as the Miami Valley Fair Housing Center.

[‡]Fair Housing Assistance Program (FHAP) agencies are state and local agencies such as the City of Dayton's Human Relations Council and the Ohio Civil Rights Commission that are substantially equivalent to HUD.

^{*}Because complaints reported by HUD, FHAPs and DOJ may involve multiple protected classes, totals may exceed 100%.

[§]NFHA's "other" includes sexual orientation, gender identity, source of income, marital status, age, criminal background, ancestry (including alienage), military status, domestic violence, student status, physical appearance, lawful occupation, place of residence, family responsibility, and (in California only) arbitrary.

[¶]HUD's and FHAPs' "other" are complaints of retaliation, which is prohibited under the federal Fair Housing Act.

Table 4.11: Housing complaints nationally, 2004–2014²⁵

Housing discrimination complaints filed between 2004 and 2014 in Montgomery County had a variety of resolutions, as shown in Table 4.12 on the next page. MVFHC gathered the data through several FOIA requests to HUD, OCRC and the City of Dayton HRC. In slightly less than a third of complaints, or 30%, no discrimination was found to have occurred. Just under ten percent of complaints were administratively closed, meaning that they did not meet jurisdictional requirements or that the complainants decided not to pursue the complaints.

During that same time period MVFHC filed and/or served as advocate on 101 housing discrimination complaints, or more than 43% of complaints filed in Montgomery County. In only 9.9% of the complaints filed by or filed with assistance by MVFHC was no discrimination found to have occurred. Comparing this rate to the 30% overall rate of finding no discrimination shows that complaints filed by people on their own are less likely to have findings of discrimination. Reasons for this could include that the complainants had difficulty articulating or substantiating their experiences of discrimination or that people found the complaint process to be confusing or burdensome. Another reason might be that MVFHC vets the complaints it receives before deciding to file them with HUD or

a FHAP, while these administrative agencies are required to accept complaints from individuals, evaluating the complaints only after they have been filed.

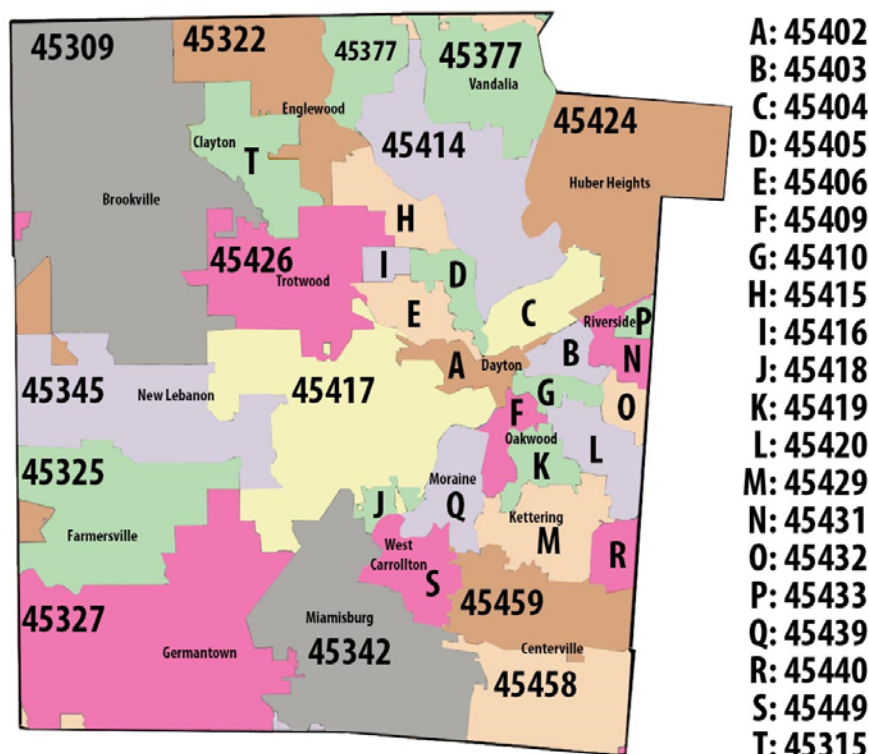
Status	2009	2010	2011	2012	2013	2014	Totals	% of total
Administrative closure	8	4	4	4	1	2	23	9.87%
Cause (FHAP)	7	5	5	1	1	2	21	9.01%
Conciliated	16	12	17	18	10	9	82	35.19%
No cause	12	16	10	16	12	4	70	30.04%
Withdrawn with resolution	2	3	3	4	2	0	14	6.01%
Open	0	0	0	0	1	22	23	6.01%
Totals	45	40	39	43	27	39	233	100.0%
Filed by or assisted by MVFHC	18	21	21	18	9	14	101	43.35%
MVFHC complaints found to have no cause	0	6	1	1	1	1	10	4.29%

Table 4.12: Administrative fair housing complaints by closure status in Montgomery County²²

Of those complaints that were either resolved through mediation/conciliation or found to have evidence of discrimination and therefore move on to the public hearing process, the protected classes of disability and familial status represent a greater percentage of the resolved/caused complaints than of the total complaints filed. As discussed in the previous section on testing, disability and familial status housing discrimination complaints are more likely to be ones in which housing providers make discriminatory statements, thereby making the cases more obvious.

As shown in Table 4.13 on the next page, ZIP codes having higher numbers of complaints filed do not also necessarily have higher numbers of complaints resolved or caused.

ZIP code	Number filed	Number resolved/ caused	% of filed	ZIP code	Number filed	Number resolved/ caused	% of filed
45309	1	0	0.00%	45416 (I)	2	0	0.00%
45315	1	0	0.00%	45417	8	2	25.00%
45322	3	1	33.33%	45419 (K)	4	4	100.00%
45327	3	2	66.67%	45420 (L)	11	6	54.55%
45342	2	1	50.00%	45424	10	5	50.00%
45345	1	1	100.00%	45426	10	2	20.00%
45372	1	0	0.00%	45427	1	0	0.00%
45377	4	2	50.00%	45429 (M)	14	9	64.29%
45402 (A)	11	1	9.09%	45431 (N)	2	0	0.00%
45403 (B)	7	5	71.43%	45432 (O)	2	1	50.00%
45404 (C)	5	2	40.00%	45439 (Q)	4	3	75.00%
45405 (D)	11	6	54.55%	45440 (R)	9	3	33.33%
45406 (E)	10	4	40.00%	45447	1	0	0.00%
45409 (F)	4	4	100.0%	45449 (S)	6	2	33.33%
45410 (G)	9	4	44.44%	45458	11	6	54.55%
45414	8	3	37.50%	45459	5	4	80.00%
45415 (H)	8	3	37.50%	Other	44	18	40.90%



Table/Map 4.13: Administrative fair housing complaints by ZIP code in Montgomery County, 2009–2014²³

E. Housing Challenges for Restored Citizens

No independent research data is available for the Dayton region on the housing challenges experienced by those formerly incarcerated individuals who are reentering the community. However, research on a national level is clear that barriers to securing housing are a long-standing problem for such people. Private housing providers often require a criminal background check and refuse to rent to anyone with a criminal record. Moreover these private housing practices have now been replicated by public housing agencies due to incentives established by the federal government. In a Boston College Law Review article Professor Anthony C. Thompson notes that “the federal government rewards public housing agencies points in the Public Housing Assessment System for documenting that they have adopted policies and procedures to evict individuals who engage in activity considered detrimental to the public housing community.”²⁶ Thompson then notes that public housing officials “have interpreted this mandate to cover individuals who may pose no current danger, but who happen to have criminal histories.”

Based upon a general awareness of the challenges faced by ex-offenders, we conducted focus groups for this analysis with providers of services to citizens returning from incarceration and the Housing Subcommittee of the Montgomery County Office of Ex-Offender Re-Entry. The raw results of both focus groups are available online, as detailed in Appendix G on page 230. Based on these focus groups and on inquiries received by MVFHC, we know that formerly incarcerated individuals encounter profound challenges when attempting to secure housing upon reentering the community. The primary areas of discrimination faced by ex-offenders are having a felony conviction and race. Ex-offenders lack access to safe, decent and affordable housing. These barriers force most ex-offenders to accept housing that is affordable but often sub-standard and in areas of very low opportunity.

¹ In the banking industry, properties owned by banks after foreclosures are commonly referred to as “real estate owned” or REO properties. For example, see: Real Estate Owned. Bank of America. Retrieved from http://foreclosures.bankofamerica.com/real_estate_owned.

² 2009 *Montgomery County and Cities of Dayton and Kettering Analysis of Impediments to Fair Housing*, pp. 111, 114. (2009). Wright State University Center for Urban and Public Affairs. Retrieved from

http://www.mcoho.org/services/commdev/docs/2009_Final_Analysis_of_Impediments_for_Montgomery_County_Dayton_and_Kettering.pdf.

³ Wells, K. and K. Park. *Racial and Ethnic Disparities in 2011 Ohio Mortgage Lending*, pp. 20–21. The Housing Research and Advocacy Center. Retrieved from <http://www.thehousingcenter.org/wp-content/uploads/2013/03/RED-Report-2013.pdf>.

⁴ McCarthy, J. Community Reinvestment Act Memorandum (2015, March 13). Miami Valley Fair Housing Center. Retrieved from http://www.mvfairhousing.com/AI2015/2015-03-13_MVFHC_memo_to_Dayton_on_CRA.PDF.

⁵ Report: Dayton metro among Top 50 nationally for black-owned businesses. (2015, August 31). *Dayton Business Journal*. Retrieved from http://www.bizjournals.com/dayton/blog/morning_call/2015/08/report-dayton-metro-among-top-50-nationally-for.html.

⁶ 2010 Regional Fair Housing Plan for Montgomery County, OH, the City of Dayton, OH, the City of Kettering, OH, 15. (2010). Retrieved from http://www.mcoho.org/services/commdev/docs/2010_Fair_Housing_action_plan_Final.pdf.

⁷ Frost, M. *Greene County Analysis of Fair Housing Impediments: 2010 Update*, p. 7. (2010, June 21).

Retrieved from <http://www.mvfairhousing.com/pdfs/2010-06-21%20Green%20County%20Fair%20Housing%20Analysis%20of%20Impediments%20Update%202010.PDF>.

⁸ Reese, N. *Analysis of Impediments to Fair Housing Choice Miami County: Update June 2010*, pp. 5, 8. (2010).

Retrieved from <http://www.mvfairhousing.com/pdfs/2010-06%20Miami%20County%20Analysis%20of%20Impediments.PDF>.

⁹ Bocian, D.G., W. Li, and K.S. Ernst. *Foreclosures by Race and Ethnicity: The Demographics of a Crisis CRL Research Report Center for Responsible Lending*, p. 16. (June 18, 2010). Retrieved from <http://www.responsiblelending.org/mortgage-lending/research-analysis/foreclosures-by-race-and-ethnicity.pdf>.

¹⁰ MVFHC has partnered with the Home Ownership Center of Greater Dayton from 2001 through the present to offer foreclosure prevention services.

¹¹ McCall, K. Can Racial Disparities in Lending Be Fixed? (2010, May 1). *Dayton Daily News*. Retrieved from <http://www.daytondailynews.com/news/news/local/can-racial-disparities-in-lending-be-fixed/nNCTG/>.

¹² *Zip Code Inequality: Discrimination by Banks in the Maintenance of Homes in Neighborhoods of Color*. (2014, August 27). National Fair Housing Alliance. Retrieved from http://www.mvfairhousing.com/pdfs/2014-08-27_NFHA_REO_report.PDF.

¹³ Revaluation Project 2014. Montgomery County Auditor. Retrieved from <http://www.mcoho.org/government/auditor/mcreval/>.

¹⁴ Mr. Keith spoke on a panel during the REO Management and Fair Housing workshop held on April 2, 2015, as part of MVFHC's 2015 Fair Housing Month conference held at Sinclair Community College.

¹⁵ County property value declines more than \$1 billion. (2014, July 1.) Montgomery County. Retrieved from <http://www.mcoho.org/government/auditor/mcreval/newsdetail1231.html>.

¹⁶ *American Community Survey*. U.S. Census Bureau, American Community Survey Office. Retrieved from <http://factfinder.census.gov>.

¹⁷ Requirements. *Fair Housing Accessibility First*. U.S. Department of Housing and Urban Development. Retrieved from <http://www.fairhousingfirst.org/fairhousing/requirements.html>.

¹⁸ Accessibility (Design and Construction) Requirements for Covered Multi-Family Dwellings under the Fair Housing Act. (2013, April 30). U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity and U.S. Department of Justice, Civil Rights Division. Retrieved from <http://portal.hud.gov/hudportal/documents/huddoc?id=JOINTSTATEMENT.PDF>.

¹⁹ HUD, DOJ Release New Guidance on “Design and Construction” Requirements under the Fair Housing Act: Guidance Designed to Inform the Accessible Construction of Multi-Family Housing. (2013, April 30). Retrieved from http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-055.

²⁰ Snyder, S. *Dayton Mall Area Master Plan*. (2015, February 11). Stantec Consulting, Miami Township – Dayton Mall Joint Economic Development District. Retrieved from http://planthemallarea.com/docs/DMAMP_Charrette_Feb11_FINAL.pdf.

²¹ In addition to this special testing for the 2015 AI, all three entitlement jurisdictions have contracted with MVFHC for testing within each jurisdiction for the last five years or longer.

²² This information is also made available to agencies like MVFHC. For example, OCRC sends MVFHC a “HUD Dual Filing Notice” after MVFHC submits a complaint to OCRC, letting MVFHC know the complaint was reported to HUD.

²³ MVFHC submitted FOIA requests to HUD, OCRC, and HRC, resulting in the data we used for these tables.

²⁴ The data for these tables came from MVFHC’s client and case tracking database. The map is based on one created by Lenza Smith, Geographic Information Systems Professional Coordinator, GIS/Tax Division, Montgomery County Auditor’s Office.

²⁵ *Expanding Opportunity — Systemic Approaches to Fair Housing: Fair Housing Trends Report 2014*. (2014, August 13). National Fair Housing Alliance. Retrieved from <http://www.nationalfairhousing.org/Portals/33/2014-08-11%20NFHA%20Trends%20Report%202014.pdf>.

²⁶ Thompson, A.C. Navigating the Hidden Obstacles to Ex-Offender Reentry. (2004, March 1). *Boston College Law Review*, 45.2, p. 255–306. Retrieved from <http://lawdigitalcommons.bc.edu/bclr/vol45/iss2/1>.