2012

Latino Community Report

For the 129th General Assembly

Housing Discrimination in Ohio's Latino Communities

Statistics and Analysis for Awareness and Action

Representative
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Ohio | Latino Affairs Commission

This report was issued by the Ohio Commission on Hispanic/Latino Affairs on 8/27/2012, and was written by:

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The best efforts were made to gather and provide accurate and current information. Data presented from previous years indicates the most up to date research available. OCHLA will provide any additional information or data as it becomes available.

I. Introduction

Discrimination in housing is a challenge for many in Ohio's Latino communities. The National Fair Housing Alliance reported that there were 27,092 housing discrimination complaints in 2011 across the United States[1]. Of those, 32.3% were complaints of discrimination on racial grounds and a further 10.5% were based on national origin. U.S. and Ohio law forbids this discrimination[2]. The Fair Housing Act is embodied within Title VIII of the Civil Rights Act of 1968[3]. This law prohibits housing discrimination arising from "race, color, sex, familial status, or national origin." Ohio has an analogous law which adds military status, ancestry, and disability to this list[4].

Despite these legal protections, this discrimination persists. It can manifest in many forms. The most common example is outright refusal to rent or sell living space to Latinos because of their race, color, national origin, or ancestry. Housing discrimination can also occur when differential treatment exists between tenants in terms of pricing or services – where the different terms apply to groups made discrete through prohibited grounds. Finally, discrimination can occur in the credit-approval and lending process that's intrinsic to renting an apartment or purchasing a home.

Many of the resources to combat housing discrimination are already in place. Across Ohio, many private and public agencies already field, investigate and prosecute complaints of housing discrimination. These agencies maintain extensive data regarding the number of complaints filed and the discrimination which the complaint alleges. With all of these resources, however, adequate data on housing discrimination against Hispanics in Ohio does not exist. There is not data to demonstrate that Hispanics file a high number of complaints of housing discrimination. In fact, the data is more telling from what it *doesn't* show. We infer from the data below that Ohio Hispanics report housing discrimination at an unacceptably low rate – even when compared to other racial minorities.

There is no lack of plausible explanations for this gap in availing themselves of services. Many Ohio Latinos, particularly those that are new Americans, are uninformed of their rights under the Fair Housing Act and complimentary state law. As we'll see later, Hispanic Ohioans are particularly vulnerable to housing discrimination and its attendant social evils – even relative to other politically-marginalized minorities. A general lack of governmental awareness and civic acumen pervades the communities, and frustrates a proper response to this problem. Additionally, many Latinos have a general
distrust of the authorities. There is widespread fear of loss of housing if government becomes involved. To prevent housing discrimination towards Latinos in Ohio, Latinos must be better informed of their legal rights in regard to housing, as well as the many agencies and resources they can contact for recourse. We also must work to instill a broader trust in government within the community.

1. 2012 Fair Housing Trends Report. National Fair Housing Alliance. p.6
2. Id. at 8.
3. 42 U.S.C. §§3601 – 3619.
4. Ohio Revised Code §4112.
5. See 2012 Fair Housing Trends Report at 7.

II. Social Ills of Housing Discrimination

Numerous social ills stem from housing discrimination. It leads primarily to the creation of ethnically homogenous neighborhoods. Such residential segregation is even sometimes the specific intent of those who effectuate housing discrimination. This practice of purposely concentrating one race or ethnic group in a certain area is known as "steering," and is in violation of the Fair Housing Act. Frequently, this steering is toward neighborhoods that are lower income and with fewer residential amenities. The consequences of resultant residential segregation are profound. One's geographic location controls access to quality food, education and health care. It also determines a family's exposure to crime and unsafe environments. Minorities that are trapped in or steered toward ethnically homogenous neighborhoods live every consequence of life in a low-income area.

As a consequence of the concentration of ethnic minorities in suboptimal neighborhoods, housing discrimination also frustrates social mobility for affected minorities. When these families are denied housing opportunities in more affluent neighborhoods, their capacity to improve their social standing is stunted. This problem can compound generationally as well. If a minority family remains in a lower-income area, their children often attend lower-performing schools. With suboptimal education, those children are much more likely to drop out of school before earning a diploma, which drastically reduced projected earnings potential. Those that do finish their educations face a dearth of opportunities for higher education or employment relative to graduates of better-funded, more effective schools. Thus the problem expands in breadth and prevalence within residentially-segregated populations generationally.

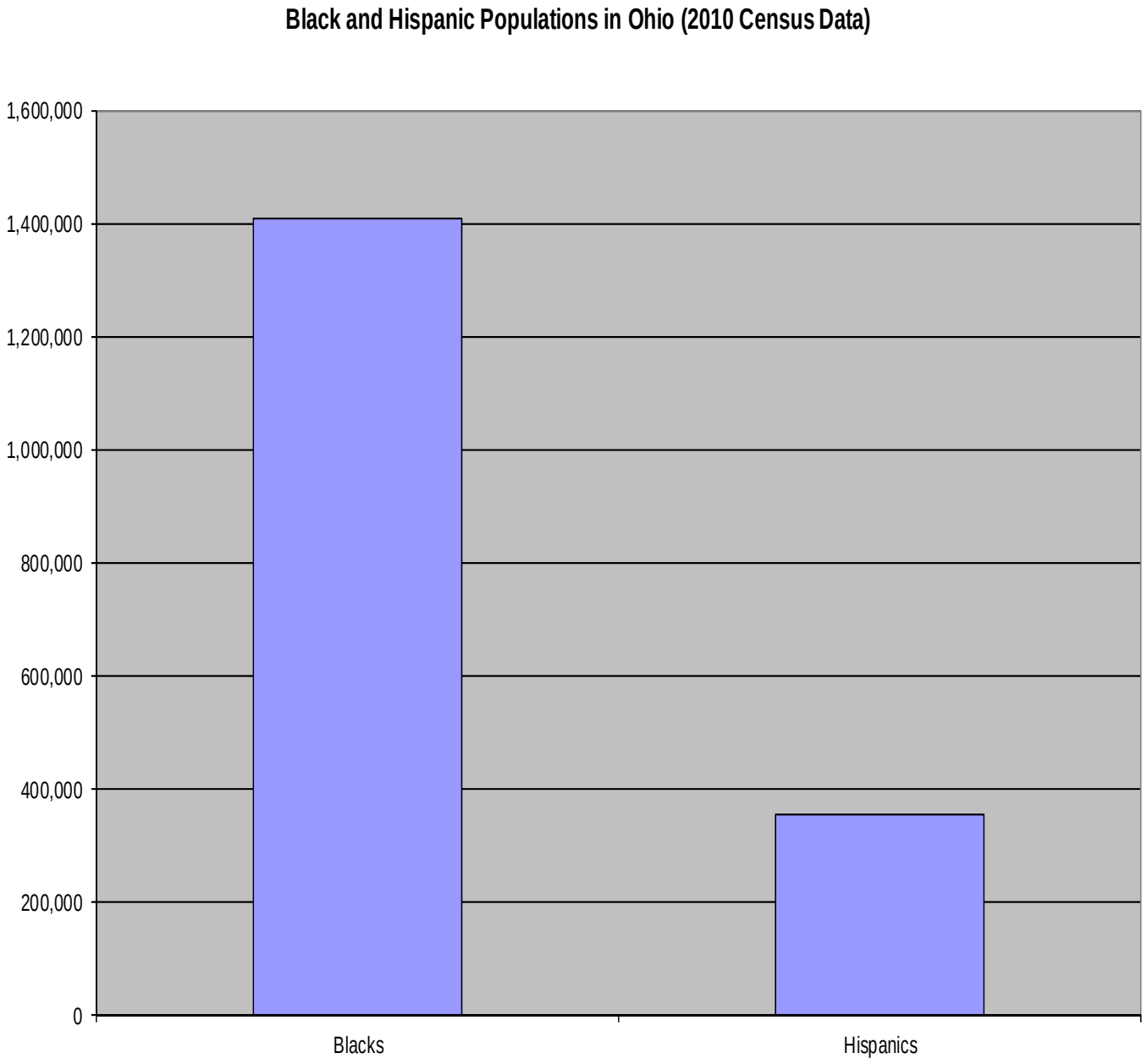
Finally, and perhaps most saliently for Ohio Hispanics, residential segregation slows or prevents cultural assimilation for newcomers to the United State. This is a particular problem within the immigrant community, as their exposure to societal norms and language is limited when they live in ethnically homogenous neighborhoods. These cultural enclaves limit the need for exposure to and participation in mainstream society. This attendant problem can likewise be passed from one generation to the next. If parents never need to learn the language or customs of their new homes, their children become, in turn, less reliant on cultural and linguistic assimilation as well.

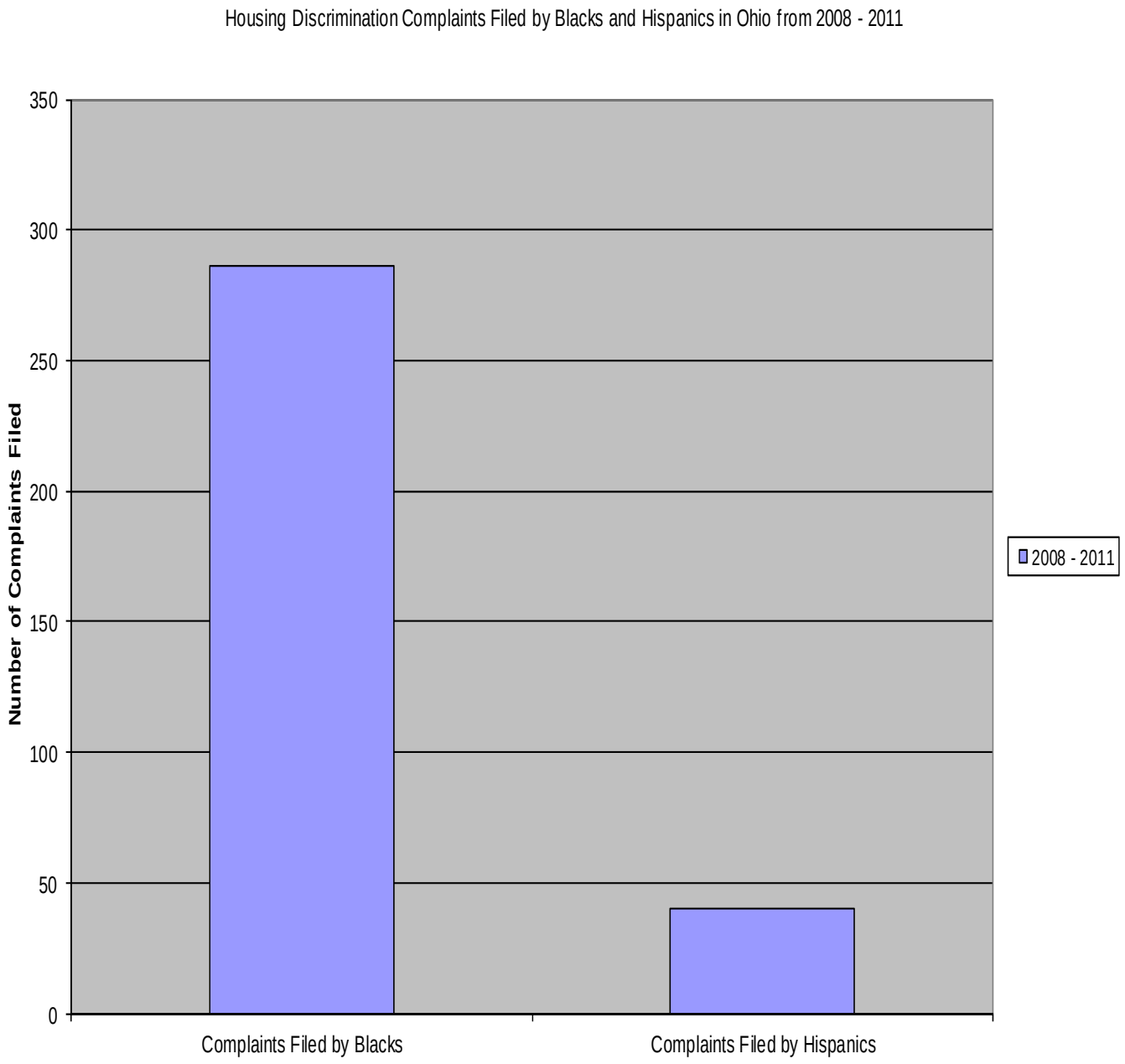
III. Data – A Gap in Complaints

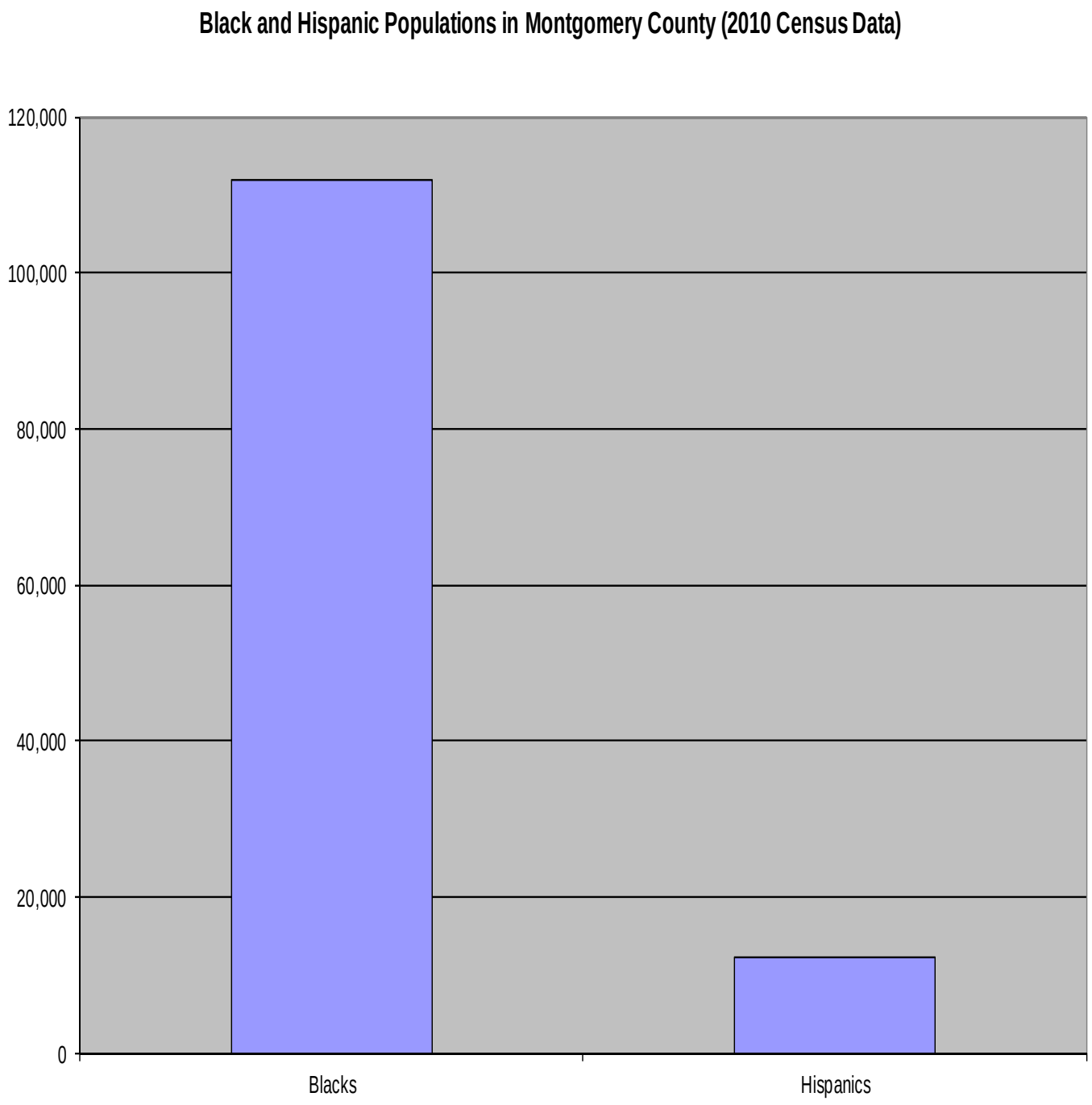
As noted, many resources for the community to address the prevalence of housing discrimination among Latinos are already available. Victims of housing discrimination have a number of options when searching for recourse. They can file a housing discrimination complaint with the U.S. Department of Housing and Urban Development (HUD), the Ohio Civil Rights Commission (OCRC), or any of the State's many fair housing organizations and non-profits. Once filed, a housing discrimination complaint launches an investigation into the alleged discrimination in order to determine if it occurred, to what degree, and what remedy is proper.

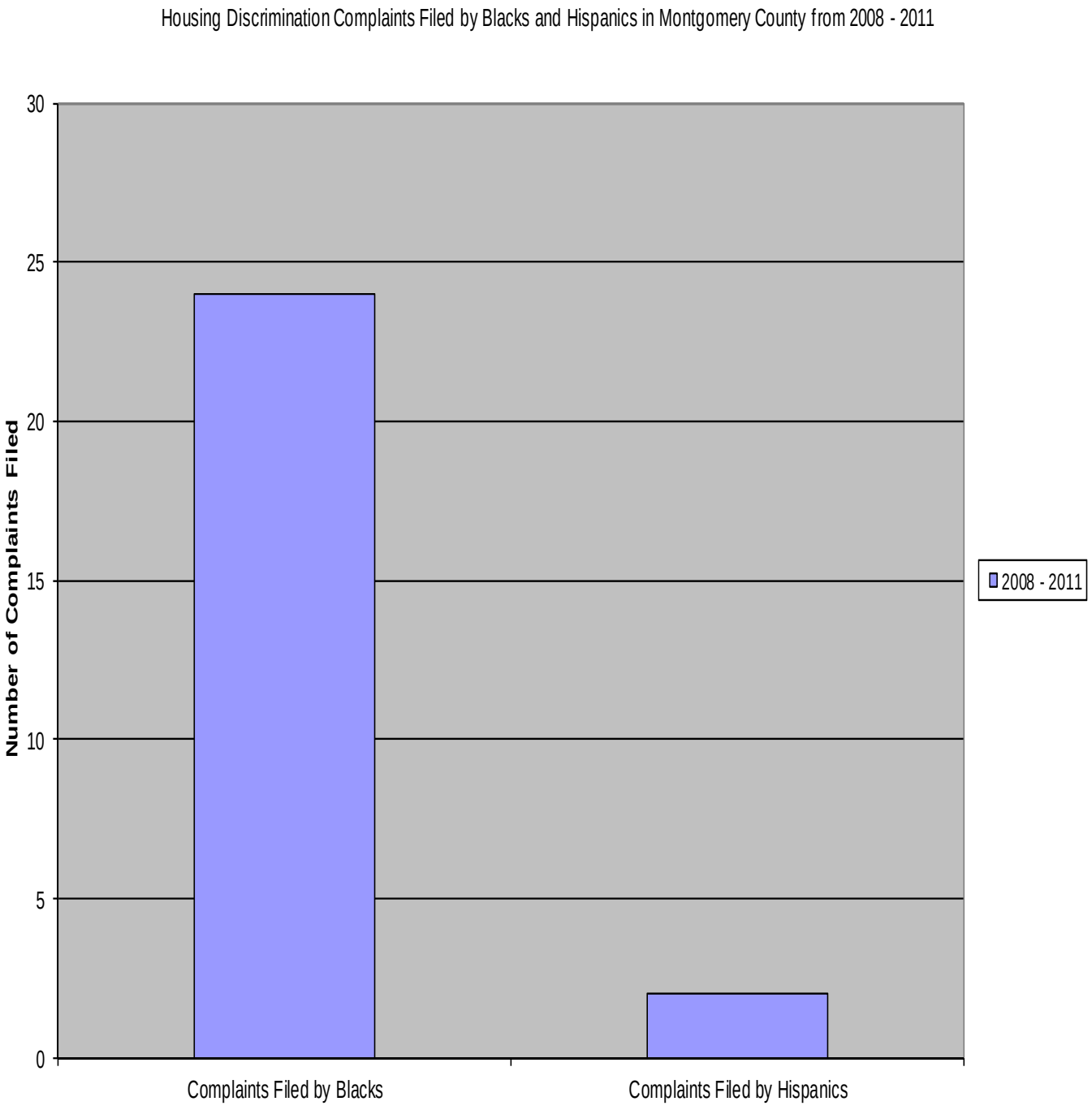
The following charts show housing discrimination complaints filed by both African Americans and Hispanics in Ohio between 2008 and 2011 with HUD. The most obvious illustration is that the number of complaints filed by African Americans greatly outweighs those filed by Hispanics (286 to 40 particularly)[6]. The OCRC boasts more staggering numbers: between 2006 and 2011 there were 981 housing discrimination complaints filed by African Americans, and only 44 from Hispanics[7]. As you will see, pure differences in population figures cannot explain this number. Hispanics still file complaints of housing discrimination at a much lower rate than do African Americans - even per capita.

6. Source: HUD Statistics on Ohio, 2008-2011.
7. Ohio Civil Rights Commission Statistics, 2006-2011.
9. 2010 Annual Report at 6.
10. See 2010 Annual Report at 4-6
11. *2010 Annual Report at 3.*


Black and Hispanic Populations in Ohio (2010 Census Data)
1,600,000
1,400,000
1,200,000
1,000,000
800,000
600,000
400,000
200,000
0
Blacks
Hispanics


Housing Discrimination Complaints Filed by Blacks and Hispanics in Ohio from 2008 - 2011
Number of Complaints Filed
350
300
250
200
150
100
50
0
Complaints Filed by Blacks
Complaints Filed by Hispanics
2008 - 2011


Black and Hispanic Populations in Montgomery County (2010 Census Data)
120,000
100,000
80,000
60,000
40,000
20,000
0
Blacks
Hispanics


Housing Discrimination Complaints Filed by Blacks and Hispanics in Montgomery County from 2008 - 2011
Number of Complaints Filed
30
25
20
15
10
5
0
Complaints Filed by Blacks
Complaints Filed by Hispanics
2008 - 2011

Through anecdotal evidence, it becomes clear that these discrepancies are not necessarily because Hispanics are discriminated against less-frequently per capita than Black Ohioans, but more likely because their battles with housing often stay "off the record". There is a widespread fear of drawing unwanted governmental attention within the Hispanic community, to the extent that many are reluctant to press their rights even when they're aware of them. The general fear is that if one complains and invites an investigation, he or she could lose their current housing, their job or even their residency status. This sentiment was echoed by every fair housing organization that we contacted in the state. We admit that while there is widespread acknowledgement of the problem, there is little to document it. We can infer, however, though the gap in filing the data shows and the anecdotal evidence from fair housing enforcement agencies around the state, that this fear is a major factor in keeping Hispanics from availing themselves of extant legal protections and remedies in the face of housing discrimination.

Before we present the data we analyze, it's important to note why we chose African Americans as a comparable, discrete minority. It is no coincidence - African-Americans are functionally the only other large minority demographic with which to compare Hispanics in Ohio. African-Americans also frequently bear similar socio-economic indicators to Hispanics – from wage and education levels to home ownership rates – and the correlation between the groups is even more evident as they are compared to the same indicators of White Americans[8]. Thus it's likely that these frequently share the same section of the housing market, and are therefore exposed to similar landlords and practices.

IV. Explaining the Gap: Why Hispanics are Particularly Vulnerable

There are many factors that can help explain why Hispanics are particularly vulnerable to housing discrimination. First, many Hispanics are unaware of and uninformed on their legal rights regarding housing. Many are unaware of the protections under the Fair Housing Act and the available paths to recourse. This problem is especially prevalent among new Hispanic immigrants. Many Hispanic immigrants arrive with education levels far lower than other immigrant groups and their black and white neighbors. Also, aside from newcomers from Puerto Rico, these immigrants likely did not study the foundation of the American legal system and our constitution. Education in their home countries will not have emphasized American history.

Certain cultural aspects unique to Hispanics may also increase their vulnerability to housing discrimination. The most obvious is that of language. Difficulty with English can inhibit Hispanics from understanding their rights or perceiving discrimination as it happens. This problem persists generationally – at least partially because competence with English is not necessary for survival in ethnically homogenous neighborhood. Further, many of the source countries from which Hispanics come have governments that are seen as corrupt, oppressive, and brutal. In such countries, engaging the assistance of the government is frequently avoided at all costs. These views of government and civil society come with Hispanics immigrating to Ohio, and consequently many Hispanics trust government and the complaint resolution process much less than immigrant groups from other source countries or other minority groups in the U.S.

8. See, e.g. "As new economy surges, blacks and Hispanics fall behind". Cleveland Plain Dealer. 6/26/2012

VI. Solutions

In light of the persistence of housing discrimination against Ohio Hispanics, there are a number of available remedies at hand. It's important to note when considering solutions that much of the infrastructure to allow Hispanics to report and address concerns of housing discrimination is already in place. The challenge is to educate Hispanics on their rights and how to exercise and protect them, as well as to make sure those agencies in enforcement are equipped to be culturally competent in assisting Hispanic clients.

The first step is to generate more accurate data on housing discrimination against Hispanics in Ohio. The dearth of complaints from Ohio Hispanics combined with their burgeoning population seems to indicate that enforcement resources are underemployed. To reinforce that inference, additional testing for discrimination against Hispanics is required.

The primary technique for testing for housing discrimination is called paired testing. In this technique, people of two different races or ethnicities investigate a housing situation separately. This could be calling a property owner, being shown a house, or attempting to get a mortgage. If the two are treated differently, the property owner or lender has discriminated. Such difference in treatment might be denial of available housing, offering different prices, or showing only certain properties to a person of a discriminated race. An increase in paired testing in Ohio would greatly help to identify those property owners that practice housing discrimination against Hispanics, as well as to more accurately assess the breadth and depth of the problem.

Another way to fight housing discrimination is to educate and increase awareness of the problem within Ohio's Latino communities. The community must be better informed of their rights and available avenues to remedies. This could be done in a number of ways – new Hispanic outreach programs could distribute literature, such as flyers or posters, which describe prohibited housing discrimination and, its many different manifestations, Hispanics' rights concerning housing, and instructions on how to report an instance of discrimination. This information could also be made more readily available online as well. In order to be most effective, such materials should be available in both Spanish and English. Spreading these messages to the places that vulnerable Hispanic Ohioans go would be the most efficient way to disseminate this information - Hispanic churches, markets, restaurants, businesses, and community centers would be ideal places to have information on housing discrimination available. Effective outreach models for other causes have already been employed and improved upon in Ohio.

Finally, to encourage Hispanics to work with housing enforcement agencies, those agencies must be competent culturally to serve their Hispanic constituents. This applies to both private fair housing enforcement agencies and state and federal agencies. Bilingual staff for state agencies - and private organizations serving areas with high Hispanic populations – would increase the access to and comfort level with these enforcement agencies for the most vulnerable in Ohio's Hispanic communities. The availability of agency publications in Spanish would also aid in combating housing discrimination.