

**HOUSING & NEIGHBORHOOD ASSISTANCE**

**SUBSTITUTE  
OFFERED AS  
AMENDMENT**

April 30, 2021

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Freeman  
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Offered by: MAYOR HARRIGAN and PRESIDENT SOMMERVILLE

MALIK

ORDINANCE NO. 112-2021 amending and/or supplementing Title 3, Chapter 38 "Unlawful Discrimination," Section 38.01 "Definitions" of the Code of Ordinances of the City of Akron to prohibit discrimination on the basis of lawful source of income; and declaring an emergency.

WHEREAS, various federal, state, local, or nonprofit entities offer benefits or subsidy programs that provide income or payment assistance for housing, including housing assistance, housing vouchers, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs; and

WHEREAS, more than 229,000 households in Ohio use federal housing vouchers to pay for their rent; and

WHEREAS, discrimination against a lawful source of income is one of the most common forms of housing discrimination, wherein landlords or management companies deny housing based on the source of income used by tenants; and

WHEREAS, there are currently no protections that prohibit local landlords or management companies from discriminating on the basis of a tenant's source of income; and

WHEREAS, research has demonstrated that discrimination on the basis of source of income perpetuates racial segregation and concentrations of poverty; and

WHEREAS, protections for lawful sources of income would allow renters to use any lawful source of income without concern that a landlord will deny their application because of the source of payment; and

WHEREAS, communities with source of income protections have experienced positive impacts on the rates of mobility in voucher users, decreased rates of living in high-poverty areas, and decreased numbers of those in living in racially segregated neighborhoods; and

WHEREAS, anyone with governmental or private sources of payment should be protected from discrimination when seeking rental housing solely on the basis of source of payment; and

WHEREAS, five Ohio municipalities have adopted source of income protections and there have been efforts to enact similar protections in Cuyahoga County and at the state level; and

WHEREAS, the City of Akron should enact protections that prohibit discrimination on the basis of an individual's lawful source of income.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. That Title 3 "Administration," Chapter 38 "Unlawful Discrimination," Section 38.01 "Definitions" of the Code of Ordinances of the City of Akron be and is hereby amended and adopted to read as follows:

38.01 - Definitions.

A. As used in this chapter:

1. "Advertising" means to make, print, publish, advertise or otherwise disseminate any notice, statement or advertisement, with respect to any employment activity or any business activity.
2. "Affirmative Action Plan" means any plan devised to effectuate remedial or corrective action taken in response to past discrimination practices or as otherwise required by state or federal law.
3. "Age" means age of or over eighteen except as otherwise provided by law or otherwise indicated herein.
4. "Business establishment" means any entity, however organized, including a commercial enterprise owned or operated by a religious institution, that furnishes goods, services, or accommodations to the general public. An otherwise qualifying establishment that has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist only of requirements under which a substantial portion of the residents of the City could qualify.
5. "City" means the City of Akron, in the County of Summit, Ohio.
6. "Commission" means the Akron Civil Rights Commission.
7. "Complainant" means a person claiming to be aggrieved by a discriminatory practice.
8. "Disability" means, with respect to an individual, a physical or mental impairment.
9. "Disabled person" means an individual who has, is perceived to have, or has a record of having a disability.
10.
  - (a) "Discriminate" means to engage in, take part in, create, enforce, or establish any act, policy, or practice that subjects any person to differential treatment as a result of that person's age, race, color, creed, religion, national origin, ancestry, disability, marital status, familial status, sex, gender, sexual orientation, or military status.  
**DISCRIMINATE SHALL ALSO INCLUDE TO ENGAGE IN, TAKE PART**

**IN, CREATE, ENFORCE, OR ESTABLISH ANY ACT, POLICY, OR PRACTICE THAT SUBJECTS ANY PERSON TO DIFFERENTIAL TREATMENT AS A RESULT OF THAT PERSON'S SOURCE OF INCOME AS RELATES TO REAL ESTATE TRANSACTIONS.**

- (b) "Discrimination" means any act, policy, or practice that subjects any person to differential treatment as a result of that person's age, race, color, creed, religion, national origin, ancestry, disability, marital status, familial status, sex, gender, sexual orientation, or military status. **DISCRIMINATION SHALL ALSO INCLUDE ANY ACT, POLICY, OR PRACTICE THAT SUBJECTS ANY PERSON TO DIFFERENTIAL TREATMENT AS A RESULT OF THAT PERSON'S SOURCE OF INCOME AS RELATES TO REAL ESTATE TRANSACTIONS.**
- (c) "Discriminatory" means characterized by differential treatment as a result of a person's age, race, color, creed, religion, national origin, ancestry, disability, marital status, familial status, sex, gender, sexual orientation, or military status. **DISCRIMINATORY SHALL ALSO INCLUDE CHARACTERIZATION BY DIFFERENTIAL TREATMENT AS A RESULT OF A PERSON'S SOURCE OF INCOME AS RELATES TO REAL ESTATE TRANSACTIONS.**
- (d) "Discriminate," "discrimination," and "discriminatory," do not include the act, practice, or policy of awarding preference points to or otherwise preferring an individual on the basis of the individual's military service.

11.

- (a) "Educational institution" includes any of the following that are not governed by an elected body:
  - (i) An academy;
  - (ii) A college;
  - (iii) An elementary or secondary school;
  - (iv) An extension course;
  - (iv) A kindergarten;
  - (v) A pre-school;
  - (vii) A nursery school;
  - (viii) A university; or
  - (ix) A business, nursing, professional, secretarial, technical, or vocational school.
- (b) For purposes of this chapter "educational institution" shall not include any religious institution or school operated by a religious institution.

12. "Employee" means any individual employed or seeking employment from an employer.

13. "Employer" means any person who, for compensation, regularly employs four or more individuals, not including the person's parents, spouse, or children. For purposes of this chapter person "regularly" employs four individuals when the person employs four or

more individuals for each working day in any twenty or more calendar weeks in the current or previous calendar year. For purposes of this chapter, an "employer" is also any person acting directly or indirectly on behalf of an employer or any employment agency. "Employer" shall include any religious institution that otherwise meets the definition.

14. "Familial status" means having any of the following family characteristics:
  - (a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual;
  - (b) One or more individuals who are under eighteen years of age and who are domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian; or
  - (c) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.
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19. "Labor organization" means any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining, protection of employees, or dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid.
20. "**SOURCE OF INCOME**" MEANS ANY LAWFUL SOURCE OF MONEY, INCLUDING, BUT NOT LIMITED TO, INCOME DERIVED FROM WAGES, PUBLIC OR PRIVATE SOURCES, COURT ORDERED PAYMENTS, AND BENEFITS OR SUBSIDY PROGRAMS ADMINISTERED BY ANY FEDERAL, STATE, LOCAL, OR NONPROFIT ENTITY, INCLUDING HOUSING ASSISTANCE, HOUSING VOUCHERS, PUBLIC ASSISTANCE, EMERGENCY RENTAL ASSISTANCE, VETERANS BENEFITS, SOCIAL SECURITY, SUPPLEMENTAL SECURITY INCOME OR OTHER RETIREMENT PROGRAMS.
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22. "Person" means a natural person, firm, corporation, partnership, or other organization, association, or group of persons however arranged.

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Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that the amendment of the unlawful discrimination definitions is necessary in order to prevent discrimination on the basis of source of income, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed May 10, 2021

Wanda R. Biviano, Deputy Clerk of Council  
Mayor Sammie G. President of Council

Approved 5/4, 2021

[Signature]  
MAYOR

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2021 APR 30 PM 12:18  
ATLANTA CITY COUNCIL

**HOUSING & NEIGHBORHOOD ASSISTANCE**

April 5, 2021

\_\_\_\_\_ - \_\_\_\_\_

Offered by: MAYOR HARRIGAN

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Passed \_\_\_\_\_, 2021

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved \_\_\_\_\_, 2021

\_\_\_\_\_  
MAYOR

RECEIVED  
2021 APR -2 PM 1:34  
AKRON CITY COUNCIL

## Akron City Council - Uniform Council Report (UCR)

### PART I – General Information

Subject of Requested Legislation:

To prohibit discrimination based on a lawful source of income.

Department/Division: Mayor's Office and OID

Requestor: Tamiyka Rose and James Hardy

Phone/Ext: 330-217-9549

If applicable, previous legislation on this subject (reference by ordinance/resolution number):

supplementing Title 3, Chapter 38 "Unlawful Discrimination," Section 38.01 "Definitions" of the Code of Ordinances of the City of Akron to prohibit discrimination on the basis of lawful source of income;

Purpose/Objective of Legislation:

The purpose of this legislation is mitigate the practices that impede citizens from obtaining housing in Akron.

### PART II – Financial Information

Does this Legislation directly involve the expenditure of funds?

YES

NO

Was this expenditure budgeted for in the current operating budget?

YES

NO

If "YES," describe how the budgeted amount for the project compares to the actual or estimated costs:

#### City Expenditures

Budgeted Costs	
Amount:	
Fund:	
Org:	
Acct:	

Estimate of Costs	
Amount:	
Fund:	
Org:	
Acct:	

#### City Receipts

City Receipt of Funds	
Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

Other Consideration

Total expenditure (if applicable): \$ \_\_\_\_\_

Total receipts (if applicable): \$ \_\_\_\_\_

### PART III – DETAILED INFORMATION:

Attach detailed information/documentation, as described in UCR Instruction Sheet.



# AKRON CIVIL RIGHTS COMMISSION

## Commissioners

BRANT T. LEE, Chair    NANETTE P. PITT, Vice Chair

LATONDA MOBLEY, Secretary

GINAKAYE MADDOX    ESTHER L. THOMAS

NANCY L. HOLLAND    SHELDON B. WRICE



RECEIVED  
2021 MAY -7 PM 12:31  
AKRON CIVIL RIGHTS COMMISSION

May 7, 2021

### Via email delivery

Akron City Council  
c/o Sara Biviano, Deputy Clerk of Council  
166 S. High St., 3<sup>rd</sup> floor  
Akron, Ohio 44308

Dear President Sommerville, Council leadership, and Council members,

On behalf of the Akron Civil Rights Commission, I wish to inform you that the Commission supports the pending proposals: (1) to prohibit housing discrimination on the basis of an individual's source of income, and (2) to allow tenants in the eviction process to "pay to stay."

Sincerely,

Brant T. Lee  
Chair, Akron Civil Rights Commission

2021 MAY 10 PM 3: 04

AKRON CITY COUNCIL

May 10, 2021

Mr. Bob Keith  
Clerk of Council  
Akron City Council  
bkeith@akronohio.gov

Dear Mr. Keith:

I'm writing to you on behalf of Community Legal Aid to share with you the positive benefits the proposed source of income legislation could have on low-income renters in Akron.

As the only provider of free legal services to the poor in Summit County, Legal Aid represents tenants facing eviction in Akron Municipal Court. Since the start of 2019, we have provided assistance to more than 1,800 renters in Akron. We have witnessed first-hand the devastating impact the long-standing eviction crisis has had on renters in Akron, and when COVID-19 hit, that impact became even more apparent.

The proposed legislation would significantly impact the clients Legal Aid represents, in the following ways:

**1. It would expand protections for renters in a manner that is similar to other laws.**

There is a common belief that landlords are able to rent to whomever they want. However, there are several restrictions on that right. For example, both the Fair Housing Act and the Akron Municipal Code include protections against discrimination based on race, color, religion, sex, familial status, national origin, or disability.<sup>1</sup> Nearly a dozen communities in Ohio have enacted source-of-income legislation,<sup>2</sup> and none of these laws have been challenged as interfering with a landlord's ability to rent to tenants of their choice. In other states, where similar laws have been challenged, courts have ruled in favor of the municipalities.<sup>3</sup> These laws protect tenants from discrimination on the basis of their income source.

**2. It would make it easier for people with housing vouchers to find and maintain housing.**

HUD recently reported that tenants with vouchers receive unequal treatment from landlords.<sup>4</sup> A significant number of landlords do not accept vouchers, which forces tenants to spend more time searching for housing. Further, while landlords are likely to treat tenants the same during phone interviews whether they have a voucher or not, they are less likely to show up for appointments for, and show additional units to, tenants with vouchers.<sup>5</sup> For working parents or for homeless individuals, the additional time and frustration associated with the housing search can be prohibitive. While source-of-income legislation would not eliminate these problems, it would decrease the time and frustration for those who rely on vouchers for their housing.

**3. It would have long-term benefits for Akron children living in poverty.** Where children live matters deeply in how they prosper as adults. A growing body of scientific

research shows that where a child grows up is the strongest factor in determining their health,<sup>6</sup> education,<sup>7</sup> and income as an adult. As a result, children whose families rely on a voucher for housing and are able to live in low-poverty areas benefit greatly -- in education, health, and overall prosperity as an adult. Unfortunately, families who rely on vouchers often are excluded from quality rental housing because landlords tend to ignore applications from them, even though landlords might find them to be acceptable tenants if those applications were reviewed. The proposed legislation would increase opportunities for children from low-income families to grow up in low-poverty areas, thus increasing their chances for prosperity later in life.

4. **It would open up housing opportunities beyond traditional Section 8.** Much of the discussion regarding source-of-income legislation centers on the Housing Choice Voucher program (commonly known as Section 8). The legislation will have far-reaching impacts, though, expanding housing opportunities for many vulnerable populations who receive rental assistance through other programs. These include people with disabilities, young adults who are aging out of the foster care system, veterans, and people who live with HIV/AIDS. These individuals, who are currently susceptible to automatic denials of housing applications because of the source of their housing income, would benefit from the protections of the proposed legislation.
5. **It would help alleviate the segregation and unaffordability plaguing Akron's rental housing stock.** In 2013, Akron published its "Analysis of Impediments to Fair Housing Choice in Akron, Ohio," which discussed the role of vouchers in perpetuating segregation and concentrating poverty in certain areas of the city. The report talked about the need for Akronites to be able to move to other areas of the city with better opportunities for employment and education, finding that "almost every stakeholder discussed the need to 'de-concentrate' low-income housing in Akron through building or rehabbing homes in areas that are in typically middle-class neighborhoods."<sup>8</sup> The report also discussed the role of vouchers perpetuating segregation and concentrating poverty in certain areas of the city, concluding that "voucher users are concentrated in certain neighborhoods. Segregated neighborhoods mean a lack of community assets, potential differences in the quality of schools, and an overall negative impact on communities and the residents who live in them."<sup>9</sup> The proposed source-of-income legislation would make it easier to deconcentrate low-income housing and allow low-income tenants to live throughout the city.
6. **It would make Akron a more inclusive community.** One overarching theme of source-of-income laws is that they strive to make their communities more inclusive. It helps us see each other as individuals, as people, as human; it helps shift the broader public narrative about tenants who rely on vouchers for their housing as somehow different or "less than" any other tenant.
7. **It would help the City satisfy its obligations under the Fair Housing Act.** All municipalities who receive certain funding from HUD - such as Community Development Block Grant (CDBG) funds - must certify that they will affirmatively

further fair housing in accordance with the Fair Housing Act. This mandate requires cities “to fulfill, as much as possible, the goal of open integrated residential housing patterns and to prevent the increase of segregation, in ghettos, of racial groups whose lack of opportunities the Act was designed to combat.”<sup>10</sup> The proposed source-of-income legislation could be one step toward meeting this obligation.

We hope this information helps the Council as it considers the proposed source-of-income legislation. We have enclosed references and citations for further reading and would be happy to answer any questions Council members may have.

Thank you for your consideration,



Andrew D. Neuhauser  
Managing Attorney  
Community Legal Aid  
aneuhauser@communitylegalaid.org  
330.983.2668

cc: Akron City Council Members (via email)



## References

1. 42 U.S.C. 3604(b); 42 U.S.C. 3604(f) covers individuals with disabilities. Akron Municipal Code 139.12(A).
2. Cincinnati Municipal Code 740.11, Cleveland Heights Ordinance No. 25-2021 (passed on April 19, 2021, but not yet codified), Linndale Municipal Code 515.02(c), Reynoldsburg Municipal Code 503.07(A)(1), South Euclid Municipal Code 1408.01, Toledo Municipal Code 554.03, University Heights Municipal Code 820.01, Warrensville Municipal Code 113.01, Westerville Municipal Code 511.03(a)(23), and Wickliffe Municipal Code 1103.01.
3. *E.g. Montgomery County v. Glenmont Hills Associates Privacy World at Glenmont Metro Centre*, 402 Md. 250, 936 A.2d 325 (2007); *DiLiddo v. Oxford Street Realty, Inc.*, 450 Mass. 66, 876 N.E.2d 421 (2007).
4. *A Pilot Study of Landlord Acceptance of Housing Choice Vouchers* (Sept. 2018), xiii-xiv, <https://www.huduser.gov/portal/portal/sites/default/files/pdf/Landlord-Acceptance-of-Housing-Choice-Vouchers.pdf>. HUD deemed this study to be “the largest, most comprehensive test of voucher discrimination conducted to date.” *Id.* at xvii.
5. *Id.* at xiii - xiv
6. *E.g. Robert Wood Johnson Foundation, Exploring the Social Determinants of Health* (March 2011) (stating, “In addition, it is widely recognized that factors such as nutrition, housing quality, and household and community safety – all linked with family resources – are strongly linked with child health.”) (available online at <https://files.eric.ed.gov/fulltext/ED541783.pdf>).
7. *DeRolph v. State*, 78 Ohio St.3d 193, 214, 677 N.E.2d 733 (1997) (Douglas, J., concurring) (stating, “The time has come to end the fact that, in too many cases, the quality of a child’s education in Ohio is dependent on the vicissitudes of geography – that is, the place of the child’s birth or residence.”).
8. “Analysis of Impediments to Fair Housing Choice in Akron, Ohio” at 18.
9. *Id.* at 44.
10. *Otero v. New York City Housing Authority*, 484 F.2d 1122, 1134 (2d Cir.1973) (addressing the affirmative duty placed on HUD by 42 U.S.C. 3608(d)(5)).