



Ohio Developmental Disabilities Council
Community Living Committee
Meeting Minutes

Vision Statement

People with developmental disabilities can become independent, productive, people, fully integrated and included in their communities and in the fabric of our society.

People with developmental disabilities have the programs, services and supports needed to:

- Be seen as people first
- Achieve their full potential

Mission Statement

To identify & promote strategies approaches and resources that support adults with developmental disabilities as they choose where and with whom they wish to live... and children with developmental disabilities in safe and nurturing family settings.

LOCATION:

**Embassy Suites - Dublin
5100 Upper Metro Place
Dublin, Ohio 43017**

DATE:

March 6, 2019

Members	Present
Michael Denlinger	X
Matt Harrison	X
Emilia Jackson	
Rochelle Hall Rollins	X
Vicki Jenkins, DODD, Vice Chair	X
Blaine O'Leary	X
James Plasencia	X
Jill Radler, Chairperson	X
Joanna Spargo	X
Marcella Straughter	X
Renee Wood, Special Advisor	X
Mindy Vance	X
Dara Walburn	X

Policy Analyst

Fatica Diana Ayers	
Ken Latham	
Leslie Paull	
Paul Jarvis	X
Carla Sykes	
Kay Treanor	

Fiscal Staff

Robin Shipp	
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Executive Director

Carolyn Knight	X
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GUEST(s):

Billie McAleer with James
Casper Shahan (w/ Matt)
Deborah Pennington (w/Michael)
Christine Brown, Nisonger Center
Donna Lowe w/ Renee Woods
Sue Willis
Linda Kunick
Debbie Kunick (w/ Linda)
Morgan Cooyer (w/Marcella)

Christine Lewis

I. Call to order

- A. The meeting was called to Order at 4:16 p.m. by Jill Radler, Chairperson of the Community Living Committee.
- B. The Chair asked everyone to introduce themselves.

II. Approval of September 13, 2018 Minutes

- A. Jill asked for a motion to approve the minutes.
 - 1. **Blaine O’Leary made a motion to approve the minutes as written.**
 - 2. **James Plascencia seconded the motion.**
 - 3. **Motion was carried.**
 - 4. **Sue Willis abstained.**

III. **Presentation from Kristen Finzel Lewis, Senior Staff Attorney with Southeastern Ohio Legal Services**

- A. Jill turned the meeting over to Kristen Finzel and below are highlights of her presentation:

Members were asked to complete a survey of their knowledge of housing discrimination.

Southeastern Ohio Legal Services (SEOLS) has a staff of 70 attorneys that provide legal services to people in southeast Ohio. They have offices in Athens, Chillicothe, New Philadelphia, Newark, Portsmouth and Steubenville.

The Federal Fair Housing Amendments Act (FHA) protects against discrimination based on race, skin color, national origin, religion, sex, familial status, and disability. Ohio’s Civil Rights Laws also prohibits discrimination based on military status and ancestry.

70% of the housing cases handled by SEOLS are for disability discrimination. due to denial of accommodation or modification when required by law and lack of knowledge of the law by housing providers.

SEOLS and DRO have federal grant to provide training on the FHA.

Overview of the FHA

FHA and Ohio law apply to landlords, relators, property managers, assisted living and nursing homes, shelters, extended stay hotels, zoning codes. The laws prohibit refusing to rent or sell housing, refusing to negotiate for housing, making housing unavailable, setting different terms condition or privileges for sale or rental of a dwelling.

Discrimination due to having children in household under 18 years of age

- Familial status is the presence of one or more children under 18 in a household.
- Types of discrimination include denial of second story unit due to “safety” or “noise concerns” or the segregation of families into assigned areas or limiting the number of children that can reside in the unit.
- Exception for housing for older persons
Housing must be provided under a state or federal program designed to assist the elderly and intended for and solely occupied by person who are 62 years of age or older. Housing designated for persons age 55 or older, at least 80% of units must be lived in by at least one person who is 55 or older.
- Occupancy Limits
Compliance with local occupancy codes is presumed legal
Local occupancy codes must be reasonable and not discriminatory
HUD Rule: 2 persons per bedroom plus one

Sexual Harassment

Sexual harassment can come from landlord, property owner, manager, employee or neighbor.

LGBT Housing Rights

- Gender Identity and sexual preference are not explicitly protected by the FHA or state law.
- Columbus, Athens, Cleveland, Akron, and Toledo have added to their local anti-discrimination laws gender identity/sexual orientation.

Fair Housing Protections for Abuse Survivors

The federal Violence Against Women Act (VAWA) protects victims of domestic violence. Status as a survivor of domestic violence cannot be the basis of denial or housing nor can a survivor be evicted for an incident of domestic violence.

Fair Housing Protections for People with Disabilities under FHA

- Disability is defined broadly—physical or mental impairment such as visual, hearing, mobility, impaired, mental illness, emotional illness intellectual disability, alcohol or past substance abuse, chronic disease, cancer, ADHD, asthma. The disability can be temporary.
- Make illegal the refusal to sell, rent or negotiate for the sale or rental of a dwelling or to make a dwelling unavailable, or to discriminate in the terms of conditions of a sale or rental based on the disability of the buyer or renter, or the disability of a person residing in or intending to reside in the dwelling or based on association with a person with a disability.

Rights of People with Disability under the FHA

1. Reasonable Accommodation: Change in policy or practice necessary to allow a person with disability equal use and enjoyment of the resident. This is paid for by the housing provider.

- Types of reasonable accommodations
 - Service/companion/emotional support animal
 - Ground floor unit
 - Change in the due date for rent because disability income arrives after the first of the month or grace period
 - Designating a disability parking space
 - The person needing the accommodation must request it and it can be requested at any time—during the application process, during the term of the lease, and even if the landlord is seeking to evict the person.
- 2. Best practice: Make the request in writing and keep copies of all correspondence. Ask landlord to respond in writing by a specific date. Landlord cannot make you use his/her form to request a reasonable accommodation or ignore your request because you did not use their form.
 - For non-apparent disabilities, a landlord can request reliable disability-related information that is necessary to prove that a person has a disability, describing the needed accommodation and showing the relationship between the disability and the need for the accommodation.

Proof can be provided from a doctor, social work, non-medical service agency or a reliable third party in a position to know about the disability.

- The housing provider can deny a request for accommodation if it is unduly administratively burdensome or if it is financially burdensome.

Requiring Persons with Disabilities to use pay rent through online account that charges a fee and the FHA

Questions from Committee members concerning whether a landlord can require persons with disabilities to pay rent by an online account that charges a fee especially when rent is under a Section 8 voucher. And can they request a waiver of the fee as a reasonable accommodation.

- Kristen said it may be possible to request a waiver of the fee as a reasonable accommodation if one can link the fee and use of the on-line system to a person's disability. Kristen said legal aids across the State are aware of this issue and have scheduled a call to discuss. Kristen will provide additional information to the members of the Community Living Committee after the call on this issue.

Assistance Animals/Service Animals/Emotional Support Animals and the FHA

- Not a pet.
- Provides assistance or performs tasks for the benefit of the person with a disability.
- Animal does not have to be trained or certified.
- Housing Provider cannot charge (extra insurance, rent, security deposit) for service animal.
- 70% of disability related issues are related to service animals.
- Upon moving in, it's a judgment call as to whether you ask permission.

- If already living in dwelling, request permission in writing to move the assistance animal in before moving the animal in and provide medical documentation.
- Breed, size and weight limitations cannot be applied to assistance animals. A request can only be denied if the specific assistance animal poses a

direct threat to the health or safety of others and would cause substantial physical damage to the property of others.

3. Reasonable Modification: Structural modification necessary to allow a person with a disability equal use and enjoyment of a resident such as a ramp or grab bars. In federal subsidized housing, the modification is paid for by the landlord in private housing, the tenant pays for the modification.

- Ramps: Tenant must request as a reasonable modification and is required to pay unless in federal subsidized housing. Landlord cannot deny the request due to materials used or the design.

Accessibility requirements under the FHA

- Applies to multi-family properties (four or more units) first occupied after March 13, 1991.
- All units on accessible floors must contain accessible design features
 - Buildings with elevators, all units accessible
 - No elevator, all ground floor units accessible
- Seven Basic Accessibility Requirements
 - Accessible building entrance on an accessible route.
 - Accessible common and public use areas.
 - Usable doors (by person in a wheelchair).
 - Accessible route into and through the dwelling unit.
 - Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.
 - Reinforced walls in bathrooms for later installation of grab bars.
 - Usable kitchens and bathrooms.

Fair Housing Enforcement Options

Have one year from the date of the discriminatory event to file complaint with HUD or the Ohio Civil Rights Commission.

IV. Five Year State Plan Update

A. This Agenda item was deferred until May since Program Staff was sick.

V. Old/New Business (Other Topics)

- A. Matt Harrison and Michelle Caserta-Bixler, Mobility Manger, Catholic Social Services, discussed Dare County's Transportation Coordination Plan and asked for suggestions to aid the planning committee in its work.
- Michelle Castra-Bixler is to be connected with Kathy Foley who is also working on transportation issues.
 - Suggested that Darke County may want to look at whether it could duplicate the Athens on Demand Transportation project as this Council grantee is focusing on sustainability.
 - Work on the state budget includes increased funding for public transportation.
- B. Special Advisor Renee Wood reported on the Olmstead task force held a forum on the workforce shortage that included representatives from the Ohio Departments of Developmental Disabilities, Aging, Medicaid, and Veterans along with people with disabilities.

VI. Adjournment

- A. Jill asked for a motion to adjourn the meeting.
1. **Blaine O'Leary made a motion to adjourn.**
 2. **Matt Harrison seconded the motion.**
 3. **The meeting was adjourned at 5:40 p.m**