



# **HUMAN RELATIONS COMMISSION**



# **PROGRESS REPORT 2009**

*PREPARED BY*

**Jonathan M. Huff, Executive Director  
Human Relations Commission  
City of Youngstown**

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# Human Relations Commission

JONATHAN M. HUFF, Executive Director

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## City of Youngstown, Ohio

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### Mayor Jay Williams

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1350 Fifth Avenue, Suite 100, Youngstown, OH 44504 Ph. (330) 259-9063, Fax (330) 259-9064  
[HRC@CityofYoungstownOH.com](mailto:HRC@CityofYoungstownOH.com)

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**CHAIRPERSON**

Ms. Arlene Floyd

**VICE CHAIRPERSON**

Ms. Jacquelyn Johnson

**MEMBERS**

Mr. Alphonso Curry ~ Mr. Porfirio Esparra, Jr.  
Ms. Ina Madison ~ Ms. Carole McWilson

December 8, 2009

To the Honorable Mayor Jay Williams and members of City Council:

On behalf of our Commissioners and Human Relations Commission (HRC) Staff, I am pleased to present to you our 2008 Progress Report. We feel that this report not only takes a glimpse of the Commission's accomplishments, but its continued strides to promote educational outreach and civil rights enforcement for city residents.

The City of Youngstown is no stranger to rough economic times; however, the year 2008 brought an economic climate that reported record highs in unemployment and housing foreclosures. Therefore, the City of Youngstown could not escape the social ills that accompany a recession. The Human Relations Commission found itself receiving phone calls and office visits of individuals needing assistance in utility disconnections, mortgage/rent payments and layoffs. These issues are not the HRC's area of expertise, however, the Commission tried to assist the individuals through their difficult transition.

While the Human Relations Commission is proud of its accomplishments, we still are aware that discrimination exists in our society. The Commission will stay diligent in its efforts to conduct workshops, presentations and investigate discriminatory practices in the areas of fair employment and fair housing. As the Executive Director, it has been an honor to serve the citizens of this community and the City of Youngstown.

Sincerely,



Jonathan Huff

Executive Director



**FAIR  
EMPLOYMENT**

HUMAN RELATIONS COMMISSION  
EMPLOYMENT COMPLAINT LOG  
2008

CASE NO.	DATE FILED	COMPLAINANT
FE08-001	September 24, 2008  Assigned: Decision:	JONES, Heather D. vs. Jewish Community Center (Child Development Center) Race/Color <b>Seeking legal counsel to help resolve claim of discrimination; 1/28/09.</b>
<b>COMPLAINT(S)</b>		
	November 25, 2008  Decision:	SAUNDERS, Wilda vs. Pennrose Management Company Race <b>Settlement signed 5/11/09.</b>
	July 18, 2008  Decision:	LINCOLN, Gregory vs. Brentwood Originals Age/Sex/Race <b>Lack of evidence of discrimination.</b>
	October 16, 2008  Decision:	STEWART, Barry vs. Time Warner Cable Race <b>Failure to move forward due to lack of discrimination and disparate treatment.</b>
	August 5, 2008  Decision:	JONES, Heather vs. Jewish Community Center Race <b>Complainant seeking legal counsel to resolve claim of discrimination 1/28/09.</b>
	April 3, 2008  Decision:	JONES, Lonnie vs. Ohio Attorney General Office Race <b>Unable to move forward complaint lacks complainants support.</b>

HUMAN RELATIONS COMMISSION  
EMPLOYMENT COMPLAINT LOG  
2008

**COMPLAINT(S) contd.**

<b>DATE FILED</b>	<b>COMPLAINANT</b>
March 12, 2008	TEJEDA, Eduardo vs. GLI Pool Products Race/National Origin
<b>Decision:</b>	<b>Investigation stopped due to dual filing w/ OCRC.</b>

## Human Relations Commission Glossary of Terms

**Settlements and Withdrawal of Charges with Settlement:** can be reached at any time after a charge of discrimination has been filed. Parties are offered the opportunity to resolve their dispute through mediation. Both the charging party and the respondent must agree to settlement.

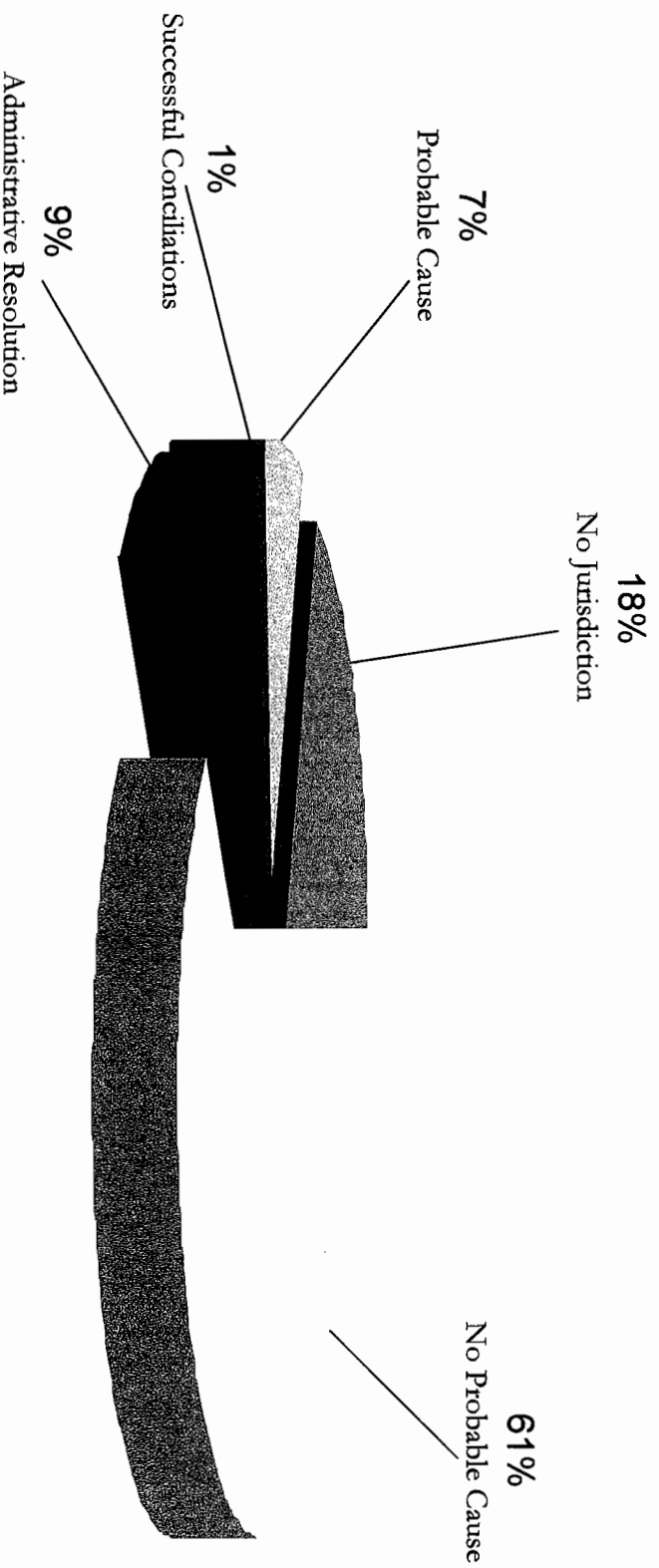
**Administrative Resolution:** include cases where the charging party elects to withdraw the charge and/ or pursue the claim through the legal system; cases where the Commission is unable to locate the respondent or charging party; or if the agency determines the charge to be non jurisdictional, lack of evidence to move the complaint forward or dual filing. The Human Relations Commission has the right to refer complaints to the Equal Employment Opportunity Commission (EEOC) or the Ohio Civil Rights Commission (OCRC).

**Successful Conciliations:** are settlements reached after a preliminary finding of probable cause.

**No Probable Cause:** findings are issued after a full investigation concludes that evidence failed to show a discriminatory act took place.

**Probable Cause:** findings are issued after a full investigation reveals that there is sufficient evidence to conclude it is probable that a discriminatory act took place. The Human Relations Commission attempts to conciliate these charges and reach a settlement. When conciliation attempts fail, the commission will make recommendations for the issue to become a formal complaint.

# Human Relations Commission 2008 Activity





**FAIR  
HOUSING**

## **Human Relations Commission Fair Housing**

### **Education & Outreach**

Human Relations Commission (HRC) over the past year has tried to promote fair housing awareness throughout the City of Youngstown through educational programs and outreach. The following are activities the Commission conducted throughout the year (August 2008 – April 2009).

#### **August 2008:**

- Attended the 2<sup>nd</sup> Anniversary Celebration of Lien Forward Ohio, where their Board of Directors and Executive Directors presented their clients with land to develop new projects.
- The Human Relations Commission began to distribute fair housing brochures to various housing organizations and block watch groups.

#### **September 2008:**

- Executive Director participated in a meeting with City of Youngstown Council members (Housing Sub-Committee) to discuss housing issues with landlords and the landlord registration ordinance.
- Attended a meeting at Union Baptist Church sponsored by Mahoning Valley Organizing Collaborative (MVOC) to discuss housing concerns on the cities Northside of town.

#### **October 2008:**

- Attended a Meeting at Youngstown Metropolitan Housing Authority (YMHA) to discuss Neighborhood Stabilization Program (NSP) funds that the City of Youngstown will receive from the Federal Government.

#### **November 2008:**

- Attended a meeting at OCCHA sponsored by the Mahoning Valley Organizing Collaborative (MVOC) to discuss housing concerns on the Southeast side of Youngstown.

**December 2008:**

- Executive Director in conjunction with the Volpini Realty Group presented a seminar to discuss fair housing and civil rights issues. Various realty agents and landlords participated in this seminar.

**January 2009:**

- The Human Relations Commission continued to distribute fair housing brochures to various housing organizations and block watch groups.

**February 2009:**

- Attended a meeting at St. Patrick Church sponsored by the Wick Neighborhoods to discuss the vacant housing issues in the City of Youngstown.
- Attended a meeting at Union Baptist Church sponsored by the Mahoning Valley Organizing Collaborative to discuss housing concerns and the Neighborhood Stabilization Program (NSP) monies the City of Youngstown is going to receive.
- The Executive Director met with Elva Lewis and Francis Fort of the U.S. Department of Housing and Urban Development (HUD). During this meeting, the HUD representatives performed an office audit on the fair housing program. Their final analysis will be provided to the City of Youngstown's Community Development Agency (CDA).
- Attended a meeting at Union Baptist Church sponsored by the Mahoning Valley Organizing Collaborative (MVOC) to discuss housing concerns and additional Neighborhood Stabilization Program (NSP) monies the city is going after.

**March 2009:**

- Scheduled a seminar at the Newport Library for National Fair Housing Month to discuss issues of fair housing in the City of Youngstown.
- Executive Director met with Tamela Skipper, Executive Director of the Akron Fair Housing Contact Services to discuss best practices in the field and to provide the Commission with some additional educational tools for possible grant opportunities.

**April 2009:**

- In honor of Fair Housing Month the Greater Warren-Youngstown Urban League and the City of Youngstown's Human Relations Commission (HRC) hosted a fair housing Seminar on at the Newport Library. The Akron Fair Housing Contact Services will discuss educational tools to further the understanding of the importance of fair housing.

Human Relations Commission  
Substantial Equivalency Status

Substantial equivalency certification takes place when a State or local agency applies for certification and the U.S. Department of Housing and Urban Development (HUD) determines that the agency enforces a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act.

HUD has developed a two-phase procedure for the determination of substantial equivalency certification. In the first phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "on its face," the State or local law provides rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act. An affirmative conclusion that the State or local law is substantially equivalent on its face will result in HUD offering the agency interim certification. Interim certification is for a term of three years. An agency must obtain interim certification prior to obtaining certification.

In the second phase, the Assistant Secretary for Fair Housing and Equal Opportunity determines whether, "in operation," the State or local law provides rights, procedures, remedies and the availability of judicial review that are substantially equivalent to the federal Fair Housing Act.

An affirmative conclusion that the State or local law is substantially equivalent both on its face and in operation will result in HUD offering the agency certification. Certification is for a term of five years.

During the five years of certification, the agency's ability to maintain certification will be assessed. After the five years of certification, if the Assistant Secretary determines

that the agency still qualifies for certification, HUD will renew the agency's certification for another five years.

The *City of Youngstown's Human Relations Commission* has begun the process on becoming substantial equivalent; however, in a span of less than one year, state courts issued not one, but four decisions (*Ohio Civil Rights Commission v. Akron Metropolitan Housing Authority*; *Ohio Civil Rights Commission v. Fairmark Development, Inc.*; *Chance v. Fair Housing Advocates Association*; and *State ex rel. American Legion Post 25 v. Ohio Civil Rights Commission*) interpreting the state fair housing law in a manner that threatens the certification of the state's fair housing law as substantially equivalent.

In (*Ohio Civil Rights Commission v. Akron Metropolitan Housing Authority*) , the issue surrounding this case was whether or not a landlord could be held liable for failing to take corrective measures against a tenant who engaged in racially harassing conduct of another tenant and creating a hostile housing environment. According to (Payton, G & Miko, M. 2008 ), The Supreme Court of Ohio began its analysis with the unremarkable assessment that R.C. 4112.02(H)(4) “does not expressly recognize a cause of action against a landlord who fails to take corrective action in response to the creation of a hostile housing environment by one of his tenants,” but rather “provides only that it is an unlawful discriminatory practice for any person to ‘[d]iscriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing, or subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any housing accommodations .

The Supreme Court then noted that “[t]he amount of control that a landlord exercises over his tenant is not comparable to that which an employer exercises over his employee.” While a landlord has the ability to evict tenants, the Court concluded that “[t]he power of eviction alone . . . is insufficient to hold a landlord liable for his tenant's tortious actions

against another tenant.” For these reasons, the Supreme Court held that a landlord may not be held liable under the state’s fair housing law for failing to take corrective action against a tenant whose racial harassment of another tenant created a hostile housing environment (Payton, G. & Miko, M, p.4 2008).

Another issue the facing the State’s substantial equivalency status is the preventative relief and retrofitting inaccessible housing. A problem that many government agencies face is the efforts to address the design and construction of multifamily dwellings not accessible to persons with disabilities. Under current state and federal law, multifamily dwellings must be constructed to be readily accessible to and usable by persons with disabilities. Often, construction violations go undetected long after the project is completed, occupancy permits are issued or the last individual unit is sold; presenting a timeliness problem. In (*Ohio Civil Rights Commission v. Fairmark Development, Inc.*), a District Court held that R.C. 4112.052 sets no time limitations on Ohio Civil Rights Commission’s ability to seek an authorized remedy. Under the current interpretation of the law, a civil action under R.C. 4112.052 broadens its scope because under R.C. Chapter 4112 in that R.C. 4112.052 was primarily designed to redress public wrongs, unlike other provisions in the chapter that are primarily designed to redress individual wrongs, the court decided that R.C. 4112.052 need not be construed with other statutes, including those that contain a limitations period (Payton, G. & Miko, 2008 p.7).

As a result of the courts decision, the State of Ohio is not subjected to any limitation period when it brings a civil action to protect fair housing rights—in particular compliance with design and construction requirements pursuant to R.C. 4112.052.

The third court decision that has compromised the state of Ohio’s substantial equivalency status was rendered in (*Chance v. Fair Housing Advocates Association*). In this case, the court ruled that a private fair housing organization had no standing to file a lawsuit

alleging that a landlord discriminated against a prospective tenant because she had too many children. On appeal, the ninth district court upheld the trial courts decision by stating that a private fair housing organization could not show that it was an aggrieved person. According to R.C. 4112.051(A)(1), “[a]ggrieved persons may enforce the rights granted by [the fair housing law] by filing a civil action in the court of common pleas of the county in which the alleged unlawful discriminatory practice occurred.” According to Payton, G & Miko, M.(2008) an appellate court in support of the district courts ruling, noted that the federal fair housing law provides for enforcement by private fair housing enforcement organizations, while Ohio law does not include a similar provision .

The deeper implications of this decision is that it undermines the enforcement actions of private fair housing organizations across the state acting as private attorneys general, actions that both supplement and enhance the investigations and enforcement actions undertaken by the Ohio Civil Rights Commission.

The fourth and final decision that has weakened the states fair housing law and substantial equivalency status came in (*State ex rel. American Legion Post 25 v. Ohio Civil Rights Commission*). Although this is not deemed a fair housing suit, it does have an effect on the investigative process for all civil rights cases, including fair housing investigations. The issue in (*State ex rel. American Legion Post 25 v. Ohio Civil Rights Commission*) is whether or not respondents alleged in an act of discrimination have the right to request the issuance of subpoenas during the preliminary investigation. The Ohio Supreme Court ruled that the Ohio Civil Rights Commission is required to issue a subpoena at a respondent’s request during, as well as after, the preliminary investigation.

The court’s ruling in this case disrupts the manner and scope on how the Ohio Civil Rights Commission can approach various issues that come before the commission. The new statute now allows respondents the right to undertake their own preliminary investigations, to

the same extent as, and with the same power and authority of the Ohio Civil Rights Commission. Currently, the Ohio Civil Rights Commission can engage in what amounts to full discovery against any person who has filed any form of discrimination charge, including a housing discrimination charge.

Overall, the issues that have come before the State of Ohio raise a healthy amount of uncertainty surrounding the substantial equivalency status of every municipality in the state. However, the legislative efforts by the Ohio Civil Rights Commission have taken steps to amend Ohio Revised Code Chapter 4112 to re-establish the rights and remedies previously believed to be available under the state's fair housing law (Payton, G. & Miko, 2008). The Human Relations Commission is awaiting an update to those amendments and will make the necessary changes to ensure that the City of Youngstown can be deemed substantial equivalent.

## Reference

Payton, G.M; & Miko, M, (2008). Substantial Equivalency and the Future of Fair Housing in Ohio (retrieved October 23, 2009) from Ohio Civil Rights Commission <http://www.crc.ohio.gov/pdf/LawReviewArticle.pdf>.

# ARE YOU EXPERIENCING DISCRIMINATION?



RACE

GENDER

SEXUAL ORIENTATION

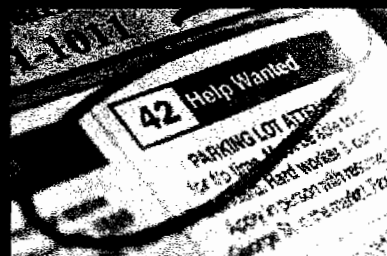
DISABILITY

RELIGION

AGE



FAIR HOUSING



FAIR EMPLOYMENT

City of Youngstown Human Relations Commission

## WE ARE HERE TO HELP!

# (330) 259-9063



City of Youngstown  
Human Relations Commission  
1350 Fifth Avenue Suite 100  
Youngstown, Ohio 44504  
[www.cityofyoungstownoh.com](http://www.cityofyoungstownoh.com)



EQUAL HOUSING OPPORTUNITY



FAIR EMPLOYMENT



Greater Warren-Youngstown Urban League

Mayor Jay Williams  
Executive Director Jonathan M. Huff  
Thomas Conley - President/CEO Urban League