



# SHAKER HEIGHTS

## Fair Housing Review Board

### Meeting Minutes

February 11, 2021

6:00 p.m.

Remotely Held Meeting – Via Zoom

Members Present: Council member Earl Williams, FHRB Chairperson  
Ann Millette, FHRB Member  
Sacara Miller, FHRB Member

Others Present: Meredith Turner

Staff Present: William M. Ondrey Gruber, Director of Law/Fair Housing Admin.  
Lisa Gold-Scott, Assistant Dir. of Law/Housing Attorney  
James Scherer, Law Clerk

#### I. Preliminary Matters

The meeting was called to order by Chairperson Williams at 6:03 pm. Mr. Gruber called the roll for attendance purposes, and a quorum was established. Members and staff introduced themselves. The minutes of November 12, 2020 were reviewed. Ms. Millette moved to approve, and Ms. Miller seconded the motion. Mr. Gruber called the roll for the vote, and the motion was unanimously approved.

#### II. Report On Fair Housing Program

- **Financial Report & Budget for 2021**

Mr. Gruber presented the financial report. The report was updated with the year end 2020 actual numbers and the 2021 budget. There is about \$58,000 in the fair housing fund, and we have budgeted a total of \$44,156 for 2021, though it is unlikely we would spend that amount. Budgeting that much makes the funds available to use without having to amend the program's appropriation. Grant revenue isn't included because we typically receive it so late in the year and we do not count on it in the budget. There was a lot budgeted in 2020 for training, which obviously didn't get spent due to the pandemic and the inability to travel to in-person seminars. The contract with Housing Center is also included because we amended that to continue into 2021 (time for performance had to be extended due to pandemic). There were no questions about the report.

- **Complaint Update**

Ms. Gold-Scott reported on the following:

1. One of our cases is an aged case, and Ms. Gold-Scott is having difficulty in reaching both parties. The Respondent had filed an eviction against the Complainant, and the litigation apparently was moved to Common Pleas court. If neither party responds, letters will be sent to both parties and then the matter will likely be closed out administratively.
2. This case involves Shaker Gardens Condominium. Amendments were made to the complaint, amending the parties since there is now a management company. The Complainant has received the amended complaint and we expect to get it signed and then proceed with the investigation.
3. Potential new complaint: involving a condominium complaint. This presents an interesting set of facts and raises the question as to whether the landlord can be held liable for failing to take corrective action for racial/other harassment directed at the Complainant by another tenant. There is an Ohio Supreme Court case that held that the answer is no – there is no third party liability. This case, for example, affected the OCRC – they do not take such cases since they do not have jurisdiction. In the Shaker Heights case, even if we cannot investigate the third party liability claims, there are other claims of direct discrimination we may be able to investigate – assuming the rest of the complaint is jurisdictional.

- **Education & Outreach**

Our office is running an ad in the Spring issue of Shaker Life, to coincide with Fair Housing Month, and to advertise a seminar.

For Fair Housing Month: we will prepare a resolution to be introduced by Council; we will reach out to the library and encourage them to publish a fair housing reading list; and our office will review our website and ensure it is up to date.

- **Fair Housing Contract Update**

The contract called for 2 categories of seminars: one was held virtually in October, and that was geared towards condos. The second one will be held in mid-late April – and our ad in Shaker Life will include details about the seminar. The third educational component is for a “governmental seminar.” Pre-pandemic, we envisioned a half or full, conference-type setting, bringing together similar boards and commissions that deal with these kinds of issues. Now, we are looking at a virtual forum, for either late May or early June. We anticipate half a day and will notify the Board once we establish the agenda.

For the upcoming April seminar, we will include COVID-related landlord/tenant issues as well as any moratorium-related updates.

The contract also included an enforcement component, and called for 25 tests to get a pulse on the market and to see whether landlords are complying with fair housing laws. We were invoiced for 9 tests. They did an additional 9, and there are about 7 more tests to complete before the end of the performance period (June 30, 2021).

Mr Williams asked if there will be an expansion of FHIPS/FHAPS due to the new administration; Mr. Gruber said it may be early – but we will continue to monitor and keep the Board advised.

### **III. New Business**

Mr. Gruber reported that HUD held a phone conference with FHAPs, hosted by Jeanine Worden, the Acting Assistant Secretary for FHEO, to announce new HUD policy relating to sex discrimination in housing based on a recent US Supreme Court decision, the Bostock decision, that found that sex discrimination includes discrimination based on sexual orientation and gender identity.

President Biden issued an executive order that required federal agencies to review the Bostock decision and determine how to implement its holding and ensure proper application. HUD was the first federal agency to issue an implementation order. HUD required that all FHAP’s sign an addendum to the FHAP agreement with HUD certifying that each FHAP is interpreting local laws (state or city) consistent with the new interpretation of law.

The impact on Shaker Heights is minimal, since Shaker Heights already includes sexual orientation and gender identity in our local ordinances as protected classes. HUD is also requiring all FHAPs and FHIPs to look back for a year to see if there are any complaints that could be brought under sex discrimination.

Ms. Millette asked if there had been any case based on sexual orientation or gender status. We are not aware of any such complaints in Shaker. She acknowledged how progressive the City has been on this forefront – Mr. Gruber gave the credit to City Council for their vision years ago.

There is still a vacancy on the FHRB.

### **IV. Future Meetings**

The next meeting is scheduled for May 13, 2021; and then August 12, 2021.

V. **Adjournment**

Hearing no further business the meeting was adjourned by consensus.

Submitted By: William M. Ondrey Gruber  
William M. Ondrey Gruber, Fair Housing Administrator

FHRB/MINUTES/02-11-2021

