

**Testimony before the Ohio House State Government Committee on House Bill 176  
by Jim McCarthy, President/CEO, Miami Valley Fair Housing Center, Inc.  
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Mr. Chairman, and members of the Committee, my name is Jim McCarthy and I am the President/CEO of the Miami Valley Fair Housing Center (MVFHC) in Dayton, Ohio. I am also the Chair of the Board of Directors of the National Fair Housing Alliance, based in Washington, DC. The Miami Valley Fair Housing Center is a private, non-profit agency which serves Dayton and Montgomery County, Ohio. We work to eliminate housing discrimination and to ensure equal housing opportunities for all people in our region. For the past sixteen years, MVFHC has been in the business of educating the public and housing industry professionals on Fair Housing Laws and also investigating allegations of housing discrimination. The Federal Fair Housing Act prohibits discrimination in the rental, sale or financing of housing due to race, color, religion, national origin, gender (sex), presence of children (familial status) and disability (handicap). As I'm sure you all know, Ohio state law also provides these protections as well as protection based on ancestry and military status.

Currently, neither state nor federal law protects people in Ohio from discrimination in housing due to their sexual orientation or gender identity. Our office receives a number of contacts each year from Ohioans with housing questions that show that these protections are needed. In fact, when we exclude issues based upon credit or criminal history, the most common complaint regarding the lack of protection from housing discrimination comes from those who've faced it due to age (those between 18-25 years of age), due to sexual orientation or due to being part of an unmarried couple. Throughout my tenure at the Fair Housing Center and in just the past year, we have received contacts from Ohioans who were served evictions or lease non-renewals after requesting of their landlord that their same sex partner be allowed to move in with them. Other complaints received have involved refusals to rent when the applicant seeking housing tells the prospective landlord that they would be living with their same sex partner or after jointly seeking housing with a same sex partner. Notably this has affected even non-gay individuals who simply want to live together for economic benefit but are discriminated against nonetheless because the housing provider assumes that the applicants are gay or lesbian. These Ohioans are not denied housing due to business reasons such as their ability to pay rent or abide by lease requirements but simply because of whom they associate with or love. When the Fair Housing Center conducts trainings for housing providers,

whether they are mom and pop landlords or housing professionals from large multi-family communities, we are often confronted with complaints about being told who they must rent to in their properties, that it's "my property; I can do what I want." However, we make the point that that is not true. Renting property is a business. There must be a balance between the needs of business owners and society. Many laws must be followed in owning and managing rental property. Properties must meet building, fire and safety codes; they must be built accessible to people with disabilities; and taxes must be paid. These were all laws that were passed at one time and now are simply part of doing business. Moreover we're talking about a business that involves the provision of housing/shelter, one of the most important components of a successful and productive life.

Where we live affects how others view us and how we view ourselves. In our society, housing is connected to many critical aspects of life. It contributes to our feeling of success or failure. Where we live determines many things: what kind of education our children will have; what kinds of professional and social associations we will have in our community; what kinds of physical danger we will be exposed to; what kinds of values and expectations will be presented to us; and what kinds of job opportunities will be nearby.

The Fair Housing Law was originally passed at the federal level in 1968. At that time, it only protected race, color, national origin and religion. Gender was not protected until 1974, and disability and familial status were not added until 1988. Prior to these dates, it was legal to discriminate against someone for any of these reasons. However, over time society recognized that this was simply wrong. My experience says that discrimination usually originates from a fear of the unknown, based upon a lack of interaction with people from a particular class. The good news is that often, once people get to know one another, the fear either disappears or at least is reduced. My generation grew up in integrated schools and being told that girls could do anything boys could do. We never believed it was ok to treat people differently just because of their race, color or gender, even though my parents' generation was exposed to these unfounded ideas. That's what laws can do – expose untruths and create more opportunity for everyone.

I think that today most of us see that someone's religion, race, gender or disability should have no impact on to the decision to rent to someone. Those reasons do not affect someone's ability to pay rent and abide by leasing rules. Bad tenants come in all shapes, sizes, religions, genders, colors, and sexual orientations. Housing providers should use the legal means available to determine whether to rent to someone by checking previous landlord references and their ability to pay rent.

Did the applicant damage the property? Did they pay rent on time? Did they disturb their neighbors? Denying applicants for these reasons is legal and understandable when running a rental property and business. Of course housing providers have a right to their personal views. But they should not have the right to allow those views into the business of providing housing and use them to discriminate and to make decisions which have no impact upon their business.

Currently Ohio has sixteen (16) municipalities that provide protection in housing, employment, and public accommodations on the local level for sexual orientation and gender identity. In fact this places Ohio behind only California and New York as states that have more municipalities that provide such protection on a local level. The states of Florida, Illinois and Pennsylvania each have 15 municipalities that provide protection on a local level. It's time that the state recognize the leadership of these sixteen municipalities and make discrimination in housing based on sexual orientation or gender identity illegal throughout the great State of Ohio.

According to the report "Laws Prohibiting Discrimination Based on Sexual Orientation and Gender Identity" by the Institute of Real Estate Management dated July, 2007:

"Thirteen states and Washington, DC have anti-discrimination laws prohibiting discrimination [*in housing*] against individuals on their sexual orientation or gender identity. Wisconsin was the first state to enact an anti-discrimination law in 1982. In the last five years, at least seven more states have enacted similar laws." As the numbers grow, it's apparent that society has recognized this type of protection as needed and the states are catching up.

Like many here, I was born and raised in Ohio. I grew up on the far west side of Cincinnati, in a small community just seven miles off the Indiana line. My high school graduating class was less than 200 people. Since my graduation in 1983, I've learned that there were a lot of gay, lesbian, bisexual and transgendered people amongst my class – more than 19 at last count. Which tells me that no matter where one hails from, this is an issue that touches one's life. I believe that Ohioans are inherently good people. They are accepting and welcoming. They believe in hard work and fairness. It's time for Ohio to claim its place among the other states who are leading this nation by providing protection from discrimination in employment, housing and public accommodations based on sexual orientation or gender identity.

The Miami Valley Fair Housing Center supports passage of House Bill 176. I thank you for the opportunity to provide testimony today and would be happy to answer any questions or provide any additional information. Thank you.