2019

Fair Housing Law

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Fair Housing Law covers the federal Fair Housing Act and other federal and state statutes which prohibit discrimination in the sale, rental and financing of homes. These statutes prohibit discrimination based on race, sex, national origin, familial status, disability or other protected class.

**General Hint:** Add the Housing Law tab in CLASSIC Westlaw for quick access to treatises, statutes, regulations, agency manuals and guidance.

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**Statutes & Congressional Hearings**
Congressional Hearings & Reports

Find them in the library catalog, Scholar, or Proquest Congressional

See our Legislative History Research Guide

- Fair Housing: A Legislative History and a Perspective 8
  Washburn Law J. 149 (1968)
  Via HeinOnline.

  KF4743.8 1970

Statutes, Ordinances & Codes

Be sure to look at annotated codes on Lexis (USCODE, OHCODE) and Westlaw (USCA, OH-ST-ANN) for case summaries and research references.

- Federal
  - Fair Housing Laws and Presidential Executive Orders (HUD's website)

  42 USC Chapter 45, Sections 3601 et seq.

- Title VI of the Civil Rights Act of 1964 - Nondiscrimination in federally assisted programs
  42 USC 2000d et seq.

- Civil rights Act of 1866
  42 USC 1982

- City Ordinances
  - Cleveland Codified Ordinances - Ch 665
    Fair Housing
  - Cleveland Codified Ordinances, Chapter 659
    Predatory Lending

- Ohio Revised Code
  - Unlawful discriminatory practices - 4112.02(H)
  - Civil rights commission definitions -CH. 4112
  - Criminal Interference with Housing Rights - 2927.03

- Photo by Julieanne Savage

Regulations & Admin. Decisions
What is the HUD?

Many of the pages on this research guide link to the HUD. Because of this, it is important to understand what exactly the HUD is. The HUD is the Department of Housing and Urban Development for the United States government. Its function is as follows:

HUD’s mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business.

Search Westlaw Federal Civil Rights Regulations

Code of Federal Regulations - Civil Rights

Terms & Connectors Natural Language
Search

Cases & Briefs
## Cases & Briefs

- Howard University Fair Housing Clinic
  Selected federal and state court decisions, statutes & regulations, op ed and research, more
- Fair Housing Fair Lending Cases
  KF5740.A6 F385 (Atrium)
- U.S. Dept of Justice- Housing Section Cases
  Briefs, consent decrees, complaints, etc.

## Westlaw Civil Rights Cases & Briefs

You may also want to look at Administrative Decisions, for Federal, Ohio or another state.

- Westlaw Databases Specific to Civil Rights
- Cases - All Courts (FCIV-CS) - Westlaw CLASSIC
- Ohio Cases (OHCIV-CS) Westlaw CLASSIC
- National Civil Rights Briefs (CIV-BRIEF) Westlaw CLASSIC
- Civil Rights Trial Motions - Westlaw
- Civil Rights Trial Pleadings - Westlaw
- Ohio Civil Rights and Disabilities Briefs Multibase Westlaw

## Foreclosure & Predatory Lending

### Articles

- Foreclosure Defense: Understanding TILA Basics Is Essential
  By Mark Ireland
  43 Clearinghouse Rev. 20, May/June 2009 (Lexis)

- Beyond Robo-Signing: Mortgage Foreclosure Defense Basics
  By Wendy Alison Nora
  Wisconsin Lawyer v. 84 no. 4, April 2011
  Although some of this article deals with Wisconsin law, it is still useful for Ohio

- Foreclosure Developments, Mortgage Fraud, Counterclaims and Defenses
  By Martin C. Bryce, Jr.
  64 Consumer Fin. L.Q. Rep. 4, 2010 (Westlaw)
- Subprime Lending: Ohioans Fall Prey to Predatory Lending at Record Levels—What Next? By Joshua Michael Stolly 34 Ohio N.U.L. Rev. 289, 2008 (Westlaw)
- Prevent People from Wrongfully Losing Their Homes: A Primer on Mortgage Foreclosure Defense Practice By Daniel Lindsey 21 Oct CBA Rec. 38, October 2007 (Westlaw)

### Ohio Materials

- **Anderson's Ohio Consumer Law Manual**
  esp. Chapter 7A on Predatory Lending
  KFO230.A29 A53 (Ohio & REF)  
  Lexis Advance - Forms - Ohio
- **Ohio Real Property Law and Practice**
  esp. Ch 19 on Foreclosure
  KFO 112 .M32 (Ohio & REF)  
  Ohio Real Property Law and Practice - Lexis Advance  
  Print: KFO 112 .M32 2006
- **Ohio Real Estate Law**
  By Kenton L. Kuehnle with Jack S. Levey  
  Ch. 36, 37, 38 on Foreclosure
  KFO112 .H362 (Ohio & Reserve)  
  Baldwin's Ohio Practice - Ohio Real Estate Law - Westlaw  
  Kuehnle and Levey, Print - KFO 112 .H362

### Practice Guides, Treatises and Form Books

- Foreclosure, Generally
- Federal and State Subprime Lending Pleadings - SUPRPL (Lexis CLASSIC)  
  To access, log in to Lexis Advance, click on the red Research tab, and select Lexis.com
- Federal and State Subprime Lending Briefs and Motions Lexis Advance
  Practical guidance geared toward attorneys representing consumers, with electronic forms via website or CD-Rom. (National Consumer Law Center)
- Credit Markets and Subprime Distress: Responding to Legal Issues Bloomberg Law
- CCH Consumer Credit Guide Westlaw
- CCH Mortgage Compliance Guide Westlaw
- Dodd Frank
- Dodd Frank Act - The Mortgage Reform and Anti-Predatory Lending

### Foreclosure Information from Fannie Mae & Freddie Mac

- Fannie Mae  
  Information for avoiding foreclosure
- Freddie Mac - Keeping Your Home

### Search the Web

Forms

Fair Housing Forms

- Federal Civil Rights Acts 3d - Westlaw Ch. 3 Housing Discrimination
- John Marshall Law School Fair Housing Legal Support Center
- HUD Online Housing Discrimination Complaint Form
- Civil Rights Actions (1983-date) - by Cook & Sobieski Chapters 17 federal programs & 19 housing discrimination
- Ohio Civil Rights Formfinder - Westlaw
- Forms for Civil Rights Actions - Lexis Advance
- Photo by Nikki Mahadevan

Usual Form Sources

- Formfinders on Westlaw
- Formfinder
- Ohio Formfinder - Westlaw
- American Jurisprudence Trials
- American Jurisprudence Pleading and Practice Forms Annotated (AMJUR-PP)
- American Jurisprudence Proof of Facts (AMJUR-POF)
- Formfinders on Lexis Advance
  Prefilter your search to Content Type= forms and, if desired, a jurisdiction and practice area=civil rights.

Treatises

Books

For more, search the catalog for subject = Discrimination in housing -- Law and legislation -- United States, or browse the shelves at KF5740.

Also see WestlawNext - Civil Rights Texts and Treatises
- Housing and Development Reporter
  KF5729.A1 H682 (Reserve)

- HDR Handbook of Housing and Development Law (Westlaw)
  Chapter 8 - Fair Housing

- Housing Discrimination: Law and Litigation
  By Robert G. Schwemm
  KF5740.A7 S39 (Atrium)

- Westlaw
  Housing Discrimination Practice Manual
  KF8925.D5 R45 1992 (Atrium)

- Federal Civil Rights Acts
  By Rodney A. Smolla
  KF4749 .A745 (Atrium)

- Westlaw
  Civil Rights Actions
  By Cook & Sobieski
  Chapters 17 federal programs & 19 housing discrimination
  KF4749 .C65 (Atrium)

- Lexis Advance - Forms - Ohio
  Banking Law
  By William H. Schlichting et al.
  Chapter 161
  KF974 .B37

- Photo by Seier +Seier

- Disabilities and the Law
  By Laura Rothstein and Julia Rothstein
  See Chapter 7 re. Housing
  KF480 .R67 2012

- Westlaw - Disabilities and the Law

Ohio Treatises

- Anderson's Ohio Residential Real Estate Manual
  Ch. 11
  KFO126 .W55

- Lexis Advance - Forms - Ohio

- Ohio Jurisprudence 3d, Civil Rights, Section 81 et seq.
  KFO65 .O3543 (Ohio & REF)

- Westlaw

- Ohio Jurisprudence 3d on Lexis Advance.
## Current Awareness & Law Reviews

### Law Reviews & Journals

For general advice on finding articles in law reviews and journals click here

- Journal of Housing Law - Westlaw
- Shelterforce
  
  Quarterly journal of affordable housing and community building.
- ABA Journal of Affordable Housing and Community Development

### Other Current Awareness

- Fair & Affordable Housing Commentary
  From The John Marshall Law School
- Housing and Development Reporter
  KF5729.A1 H682 (Reserve)
- HDR Current Developments - Westlaw
- National Fair Housing Advocate Online
  Timely news and information regarding housing discrimination.
- Fair Housing Blog
- Fair Housing Acts, Group Homes and Zoning in Ohio
  by Ed Kramer for a 2011 Fair Housing and Zoning Workshop, presented by the Medina Department of Planning Services

### Fair Housing Studies

- Urban County of Cuyahoga County - Analysis of Impediments to Fair Housing Choice (2008)

## Web Sites
Websites: Educational & Nonprofit

- Fair Housing Accessibility First  
  Fair Housing Act design and construction requirements
- Howard University Fair Housing Clinic
- John Marshall Law School Fair Housing Legal Support Center  
  Primer on Fair Housing, Rights of Seniors with Disabilities handbook, studies, more
- The Lawyer's Committee for Civil Rights Under the Law  
  Housing, Lending and Community Development Project - site contains news and publications.
- National Fair Housing Advocate Online  
  Timely news and information regarding housing discrimination.
- National Fair Housing Alliance (NFHA)  
  laws and regulation, agency guidance, precedent setting cases
- National Housing Institute  
  An independent nonprofit organization that examines the issues causing the crisis in housing and community in America. Site includes Shelterforce quarterly magazine and research reports.
- National Housing Law Project  
  Deals with section 8, public housing, foreclosure crisis programs, etc. A small section on fair housing in relation to low income housing tax credit.
- National Low Income Housing Coalition  
  Site includes resource library of publications and housing policy research, policy agenda and priority legislation and congressional testimony by organization staff and board members.

Websites: Government

- HUD website -Fair Housing
- HUD Bibliographic Database
- U.S. Department of Justice - Housing and Civil Enforcement Section
- Understanding Fair Housing  
  Civil Rights Commission publication 1973 (via U. Maryland Law School)
- Fannie Mae  
  Fannie Mae is a private company, not a government entity. It is a government-sponsored enterprise chartered by Congress to keep money flowing to mortgage lenders, to help strengthen the U.S. housing and mortgage markets, and to support affordable homeownership. Site has loan look-up, information for avoiding foreclosure, and housing surveys.
- Freddie Mac  
  A private company founded by Congress in 1970 to provide liquidity, stability and affordability to the U.S. housing market. Site includes loan look-up, economic and housing research.
- Federal Housing Finance Agency  
  Regulates Fannie Mae and Freddie Mac.
- FDIC - Side by Side - A Fair Lending Guide  
  This guide provides alternative means that an institution may use to discover uneven customer service or inconsistent lending practices that may be discriminatory.
- Ohio Civil Rights Commission
Nonlegal Research Resources

- SprawlWatch
  Collection of links re. housing, demographic trends and more.
- GIS & Mapping
- GIS for Equitable and Sustainable Communities
- ESRI - GIS & Mapping, ArcData
  Essential Information
- FDIC Institution Directory
- FDIC Summary of Deposits
- Mapblast
- Information on Businesses and Lenders
- Ohio Secretary of State
  business information look-up
- Census
- 2010 Census