2019

Fair Housing Law

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Part of the Housing Law Commons
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.

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

Regulations & Admin. Decisions

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

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)

Enforcing the Home Affordable Modification Program Through the Courts.

Slamming the Door in the Consumer's Face: Courts' Inadequate Enforcement of TILA Disclosure Violations and the False Hope of a Foreclosure Defense.

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

Ohio Materials

Foreclosure Information from Fannie Mae & Freddie Mac

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

Search the Web

Search

Foreclosure, Generally
Foreclosure Defense: A Practical Litigation Guide
KF697.F6 T39 2011

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

Foreclosures: Mortgage Servicing, Mortgage Modifications, and Foreclosure Defense
KF697.F6 R36 2012
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
### 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)

- Westlaw
- 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
### 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
- FDIC Institution Directory
- FDIC Summary of Deposits
- Mapblast
- Information on Businesses and Lenders
- Ohio Secretary of State
  business information look-up
- Census
- 2010 Census