

EXHIBIT NO. 1
City of Alexandria, Virginia
MEMORANDUM

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4-9-02

DATE: APRIL 2, 2002
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: PHILIP SUNDERLAND, CITY MANAGER ^{PS}
SUBJECT: CONSIDERATION OF FAIR HOUSING TESTING REPORT FOR RENTAL DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS

ISSUE: City Council Consideration of the fair housing testing report for rental discrimination on the basis of familial status.

RECOMMENDATION: That City Council receive the report and thank the Fair Housing Testing Program Advisory Committee for its work.

BACKGROUND: The City has an ongoing fair housing testing program that started in 1990. The program is overseen by the City Council-appointed Fair Housing Testing Program Advisory Committee. Since 1990, the City, through the Office of Housing, has conducted testing for discrimination based on race, familial status, seven different types of disabilities, and sexual orientation in the rental, sales and mortgage lending industries.

DISCUSSION: Between May and October, 2001, 11 testers participated in testing 85 apartment complexes in the City with 20 or more units for discrimination on the basis of familial status. Familial status is defined in the City's Human Rights Ordinance as one or more individuals under the age of 18 years domiciled with a parent, another person having custody, or the designee of a parent or custodian. Testers included African-American, Hispanic and white testers, and each of the tester teams consisted of persons of the same race, ethnicity and gender, but represented different family compositions. Testers visited the property alone, but explained that they were seeking housing for themselves either as part of a married couple or as a single parent household with one child. Of the 85 initial tests of the apartment complexes, two tests suggested preferential treatment of the household without children (2.4% of the complexes). No problems were found in the retests of the two complexes.

At its March 14, 2002 meeting, the Fair Housing Testing Program Advisory Committee unanimously voted to recommend to City Council that Council accept this report, which recommends that no complaints be filed against the two complexes, but that they be offered training and assistance to assure fair housing compliance.

Results/Nature of Differences

In the first apartment complex where a problem was identified, the tester who claimed to have a child was told that a unit would be available on a later date than the tester without a child. The childless tester was also offered more floor plan options (3) than the tester claiming to have a child, who was offered only one floor plan of the desired bedroom size unit. In addition, the tester who advised the leasing agent that she was married without a child was given a rental application form, while her counterpart who said that she was a single parent with a child was not given a rental application form.

In the second apartment complex where a problem was identified, the tester requesting an apartment for herself and her spouse was shown an available unit and a model. The tester representing a single parent household with a child was not shown any units.

Comparison To 1991 Familial Status Tests

The incidence of possible differential treatment in current testing is lower than test results of the familial status tests conducted in 1991. In tests conducted ten years prior, ten complexes or 14% of the initial tests indicated possible preferential treatment. In the 2001 tests, two complexes or 2.4% of the initial tests suggested differential treatment.

Future Action

Since there were no problems found in the retests of the two complexes with problems at the initial tests, staff does not recommend that complaints be filed. Staff will contact the owners and managers of the two complexes where problems were identified to discuss the problem encountered, offer fair housing training, and make recommendations to ensure future compliance with the City's Human Rights Ordinance.

FISCAL IMPACT: None.

STAFF:

Onwuchekwa Okpara, Program Coordinator, Office of Housing
Melodie Baron, Division Chief, Office of Housing
Robert Eiffert, Deputy Director, Office of Housing
Mildrilyn Davis, Director, Office of Housing

ATTACHMENTS:

Attachment 1: Summary of the Results of the City of Alexandria's Fair Housing Tests since 1990.

**SUMMARY OF THE RESULTS OF THE CITY OF ALEXANDRIA'S
FAIR HOUSING TESTING PROGRAM**

Testing Period	Basis of Test	Total Number of Tests, Apartment Complexes	Findings
Jan. - May 1990	Race (African-American/White and Hispanic/White) Rental Housing	96 Tests (53 African-American/White and 43 Hispanic/ White) 79 Apartment Complexes	<p><u>African-American/White</u> Favorable treatment to Whites was found for 11 (20.8%) of the African-American/White tests (7 complexes, 8% of total). One complaint was filed with the Human Rights Office and was settled for \$10,000 and remedial actions; see note below.*</p> <p><u>Hispanic/White</u> Favorable treatment to Whites was found for 8 (18.6%) of the Hispanic/ White tests (7 complexes, 8.9% of total).</p>
Dec. 1990 through Apr. 1991	Race (African-American/White and Hispanic/White) Rental Housing	24 Tests (16 African-American/White and 8 Hispanic/White) 21 Real Estate Firms	<p><u>African-American/White</u> Favorable treatment to Whites was found at 3 (14.3%) of the real estate firms (rental) (12.5% of total tests)</p> <p><u>Hispanic/White</u> No favorable treatment was found.</p>
May 1991 through Jan. 1992	Familial Status Rental Housing	93 Tests 71 Apartment Complexes	<p><u>Familial Status</u> Adverse treatment was found in 10 (14.1%) of the complexes (10.8% of total tests). Nine of the cases involved occupancy policies. One complaint was filed with the Human Rights Office and was settled for \$4,000 with the same conditions outlined in the note below.*</p>

*Note: In addition to the monetary settlements, the owners of the complexes agreed to disclose all available units to all prospective renters regardless of race, sex, familial status, sexual orientation, disability, national origin, color, religion, or ancestry; provide fair housing training to all their staff; and if the owners advertise for rental vacancies, they shall do so in compliance with the fair housing advertising regulations. The owners were also required to display fair housing posters visible to the public in their rental offices.

**SUMMARY OF THE RESULTS OF THE CITY OF ALEXANDRIA'S
FAIR HOUSING TESTING PROGRAM**

Testing Period	Basis of Test	Total Number of Tests/Retests and Apartment Complexes	Findings
Jun. 1992 through Oct. 1993	Disabilities: AIDS Past History of Alcoholism Past History of Drug Problems Hearing Impairment Mobility Impairment Visual Impairment Mental Illness Rental Housing	263 Tests and 28 Retests 78 Apartment Complexes	Disparate treatment was found in 25 complexes (32%). An additional 3 problems were encountered on retests (9.6% of all tests) Three complaints were filed with the Human Rights Office, and were settled for a total amount of \$2,500. There was no monetary settlement in the third complaint, however, the owner agreed to implement various remedial actions that the City requested.
March 1996 through Jan. 1997	Sexual Orientation and Retesting for Racial Discrimination Rental Housing	Sexual Orientation 75 Tests and 4 Retests 75 Apartment Complexes Racial Discrimination 20 Tests - 8 Targeted and 12 Random 20 Apartment Complexes	Sexual Orientation: Potentially disparate treatment was found in three complexes (4% of complexes and 5% of total tests). Problems were not repeated in retests. Race: No Problems Found

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**SUMMARY OF THE RESULTS OF THE CITY OF ALEXANDRIA'S
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Testing Period	Basis of Test	Total Number of Tests/ Retests and Real Estate Firms Tested	Findings
Sept. 1997 through June 1998	Race and National Origin in Real Estate Sales (Hispanic/White and African- American/White)	62 Tests and Retests (45 Tests and 17 Retests) of 16 Real Estate Firms	<p>Potential problems were encountered in 8 (17.7%) of initial tests and 6 (35.3%) of retests. A total of 14 (22.5%) of all tests showed differential treatment of the minority tester.</p> <p>Potential problems were found in 7 (44%) of the 16 firms on initial tests, and in 3 (18.7%) on retests. Disparate treatment was encountered in 9 (56.2%) of all firms tested.</p>
August 1998 through February 1999	Disabilities: Deafness Mobility Impairments Visual Impairments	218 Tests including retests (209 tests and 9 retests) of 70 apartment complexes	Potential problems were found in 5 complexes, or 7.1% of the complexes tested. Of the 218 total tests, 6 tests (2.8%) suggested disparate treatment or failure to grant requested reasonable accommodations.
April 1999 through September 1999	Race and National Origin	75 tests including retests (72 initial tests and 3 retests)	Potential problems were found in 3 complexes (4.2% of complexes tested) or 4% of the total tests including retests. Two potential problems were found in the 48 complexes initially tested by African American/white testers, and one problem (4%) was found in 24 initial tests performed by Hispanic/white testers. No problems were found in any of the three retests.

**SUMMARY OF THE RESULTS OF THE CITY OF ALEXANDRIA'S
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Testing Period	Basis of Test	Total Number of Tests/ Retests and Real Estate Firms Tested	Findings
October 1999 through February 2000	Race and National Origin in Mortgage Lending (African-American\White and Hispanic\White)	14 Tests and Retests (13 Tests and 1 Retest) of 13 Lending Institutions	One problem (7.7%) was found in one of the 13 lending institutions. No problem was found in the retest.
May through October 2001	Familial Status in Rental Housing	87 Tests and retests of 85 complexes (85 initial tests and 1 retest)	Two problems identified (2.3% of total tests, 2.2% of complexes tested). No problems identified in the retests.