


City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 9, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CONSIDERATION OF 2010 FAIR HOUSING TESTING RESULTS

ISSUE: Receipt of the results of fair housing tests performed in Fiscal Year 2010

RECOMMENDATION: That City Council accept the results of fair housing tests conducted in Fiscal Year 2010 for discrimination in rental housing on the basis of disability.

BACKGROUND: The Fair Housing Testing Program uses pairs of trained testers to identify evidence of discrimination in the provision of housing by the rental, sales, and mortgage lending industries. The program is administered by the Office of Housing with review and input from the Human Rights Commission, and tests for discrimination prohibited by the City's Human Rights Ordinance. The federal fair housing law prohibits housing discrimination on the basis of race, color, religion, sex, age, familial status, national origin or handicap. The state fair housing law includes the same protections, and adds elderliness. The City's Human Rights Ordinance adds protection against housing discrimination on the basis of marital status and sexual orientation. Prohibited rental, sales, and lending practices include, but are not limited to, refusal to rent, sell, or negotiate the sale or rental of housing, but also discrimination in the terms, conditions, or privileges of rental or sale, as well as the provision of services or facilities. Federal, state and local fair housing law also makes it unlawful to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling. Housing providers cannot refuse residency to persons with disabilities, or place conditions on their residency, because those persons may require reasonable accommodations. In addition, in certain circumstances, housing providers must allow residents to make reasonable structural modifications to units and public/common areas in a dwelling when modifications may be necessary for a person with a disability to have full enjoyment of a dwelling.

Since the Fair Housing Testing Program started in 1990, the Office of Housing has conducted a series of tests to identify discriminatory housing practices in real estate sales, lending, and rental housing based on race, national origin, familial status, disability, and sexual orientation. A summary of the test results of all categories tested since the program was initiated in 1990 has been provided as an attachment to this report. These data allow for comparison of the test results

to measure progress in industry compliance with fair housing laws. This information is also helpful in evaluating the effectiveness of City programs, including testing, fair housing education, outreach, and enforcement activities.

DISCUSSION: In May 2010, the Office of Housing tested 67 apartment complexes in the City for discrimination in rental housing on the basis of disability. Three teams of paired testers were trained and participated in the testing. Teams included one non disabled tester and one tester with an obvious disability. Disabled persons included one deaf person, one visually impaired person, and one mobility impaired person using a wheelchair. Disabled testers were paired with a non disabled tester of the same race, gender and approximate age. Testers were closely matched in their assigned credit, financial and employment profiles, but with disabled testers being slightly more qualified financially than the control testers in each pair.

A test of one complex revealed potentially discriminatory behavior on the initial test which was not repeated on the retest. The person who spoke with the disabled tester on the first test advised her that her service animal must weigh less than 75 lbs. The complex was retested by a tester with a large service dog, and the tester was not told of any limitations on the size of the animal.

RECOMMENDATIONS: Because no evidence of preferential treatment was indicated in retesting the one property identified with potential problems, staff is not recommending that the City file complaints with the Human Rights Office. However, staff proposes to meet with the owners and managers of this property to discuss testing results and problematic procedures and practices identified, offer and provide fair housing training to the staff of this complex, and monitor the property for compliance for two years.

Fiscal Year 2010 testing results indicate a significant improvement over prior years indicating that housing providers are aware of, and in compliance with fair housing laws. Testing for discrimination against persons with disabilities in prior years revealed greater misunderstanding of the need to provide accommodations to persons with disabilities.

The City's commitment to fair housing and its ongoing testing, education, and outreach programs contribute to this awareness and compliance. Therefore, it is recommended that staff continue to evaluate and offer fair housing education and outreach services to property management, lending, real estate, and leasing professionals in Alexandria, and continue to conduct ongoing fair housing testing. The City's testing program, education, and outreach programs for property management and real estate professionals, combined with national and regional fair housing efforts, appear to have contributed in the increased awareness and understanding of fair housing laws in the housing industry, resulting in decreasing evidence of housing discrimination in Alexandria.

STAFF:

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Summary of Fair Housing Testing Program Results

Fiscal Year	Market/TestType	Protected Class	Sites	Total w/Retests	Problems	Sites/Problems	% Problem	% Prob Sites	Action
1990	Rental Apts	Race/NatOrg (Hisp)	79	96	19	14	20%	18%	1 Complaint \$10,000 Settlement
1991	Rental (Realtors)	Race/NatOrg (Hisp)	21	24	3	3	13%	14%	Remedial Action
1992	Rental Apts	Familial Status	71	93	10	10	11%	14%	1 Complaint \$4000 Settlement
1993/1994	Rental Apts	Disability	78	291*	28	25	10%	32%*	3 Complaints \$2500 Settlement
1996	Rental Apts	Race	20	20	0	0	0	0	No Problems Found
1997	Rental Apts	Sexual Orientation	75	79	3	3	5%	4%	Remedial Action
1998	Sales	Race/NatOrg (Hisp)	16	62*	14	7	23%	44%*	3 Complaints \$10,000 Settlement
1999	Rental Apts	Disability	70	218*	6	5	3%	7%*	Remedial Action
2000	Lending	Race/NatOrg (Hisp)	13	14	1	1	7%	7%	Remedial Action
2000	Rental Apts	Race/NatOrg (Hisp)	72	75	3	3	4%	4%	Remedial Action
2001/2002	Rental Apts	Familial Status	85	87	2	2	2%	2%	Remedial Action
2003/2004	Rental Apts	Multiple Bases	83	84	1	1	1%	1%	Remedial Action
2005/2006	Sales	Race/NatOrg (Hisp)	12	12	0	0	0	0	No Problems Found
2006	Lending	Race/NatOrg (Hisp)	11	11	0	0	0	0	No Problems Found
2007	Rental Apts	Race/NatOrg MidEast/Asian	73	77	3	3	4%	4%	Remedial Action
2008	Rental Apts	Race/NatOrg (Hisp)	64	66	2	2	3%	3%	Remedial Action
2009	Lending	Race	8	8	0	0	0	0	No Problems Found
2010	Rental Apts	Disability	67	68	1	1	1%	1%	Remedial Action

Note: Remedial Actions are required in all problem test results even when complaints are filed and settled.- Owners of the complexes where problems are encountered in all cases agree 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

*Multiple tests at the same location.