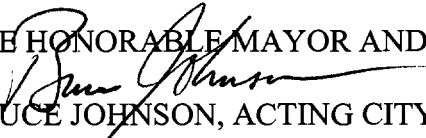


City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 2, 2011
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM:  BRUCE JOHNSON, ACTING CITY MANAGER
SUBJECT: RECEIPT OF RESULTS OF FY 2011 FAIR HOUSING TESTING

ISSUE: Receipt of the results of fair housing tests performed in Fiscal Year 2011.

RECOMMENDATION: That City Council receive the results of fair housing tests conducted in Fiscal Year 2011 for discrimination in rental housing on the basis of familial status.

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 oversight by the Executive Committee of the Alexandria Human Rights Commission, and tests for discrimination prohibited by the City's Human Rights Ordinance.

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 laws also make it unlawful deny families with children, pregnant women, and families in the process of adoption, or to place undue burden in terms, rules, policies, practices, or services with regards to renting to families with children.

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: From November 2010 through January 2011 the Office of Housing tested 67 apartment complexes with 20 or more units in the City for discrimination in rental housing on the basis of familial status. Three teams of paired testers were trained and participated in the testing exercise. Each team was comprised of two testers who were Black, White, or Hispanic. Testers were closely matched in their assigned credit, financial and employment profile. In each test, one tester sought housing for a household with children while control testers sought housing for an all-adult household of the same size. Testers seeking housing for a household with children were slightly more qualified financially than the control testers.

No evidence of differential treatment or discriminatory practices was indicated in the tests. In each pair, both testers were given the same information and were treated similarly. Fiscal Year 2011 testing results show improvement over prior years indicating that housing providers are aware of, and in compliance with fair housing laws. Testing for discrimination against households with children in prior years revealed greater misunderstanding and non-compliance. The incidence of problems encountered in familial status testing has declined from 10 in 1992 to two in 2001/2002 to none in the current round of testing.

The City's commitment to fair housing and its ongoing testing, education, and outreach programs contribute to this awareness and compliance. Therefore, staff and the Human Rights Commission recommend 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.

ATTACHMENTS:

Attachment 1: Summary of Fair Housing Testing Program Results

STAFF:

Mark Jinks, Deputy City Manager

Melodie Seau, Division Chief, Landlord Tenant Relations

Onwuchekwa Okpara, Relocation Advisor, Landlord Tenant Relations

Mildrilyn Davis, Director, Office of Housing

Attachment I

Summary of Fair Housing Testing Program Results

Fiscal Year	Market/TestType	Protected Class	Sites	Total w/Retest	Problems	Sites/Problems	% Problem	% Prob Sites	Action
1990	Rental Apts	Race/NatOrg (Hispanic)	79	96	19	14	20%	18%	1 Complaint \$10,000 Settlement
1991	Rental (Realtors)	Race/NatOrg (Hispanic)	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 (Hispanic)	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 (Hispanic)	13	14	1	1	7%	7%	Remedial Action
2000	Rental Apts	Race/NatOrg (Hispanic)	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 (Hispanic)	12	12	0	0	0	0	No Problems Found
2006	Lending	Race/NatOrg (Hispanic)	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 (Hispanic)	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
2011	Rental Apts	Familial Status	67	67	0	0	0	0	No Problems Found

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.