



**October 24, 2011**

### **Frequently Asked Questions (FAQ):**

### **Fair housing testing conducted by the Seattle Office for Civil Rights (SOCR)**

#### **What is a fair housing test?**

A fair housing test is a tool often used by communities to learn more about illegal housing discrimination. One way of testing uses paired testers posing as prospective renters to measure differences in the services they receive from leasing agents, as well as the information they receive about vacancies, rental rates, terms and other conditions. These matched pairs of testers have similar rental profiles in every respect, except for their race or disability.

#### **What types of discrimination were tested?**

The Seattle Office for Civil Rights (SOCR) conducted a total of fifty-six tests, including nine re-tests of certain properties. Tests of twenty-six properties focused on race, using African American and white testers. Tests of the other twenty-one properties, which focused on disability access for people who use a wheelchair or service animal, were conducted over the telephone and in-person.

#### **What were the test findings?**

Overall, 55% of the tests showed evidence of illegal discrimination. In the tests for **race-based** discrimination, 69% showed patterns of inconsistencies that generally favor white testers. The inconsistencies include:

- Quoting a higher rent to African American testers.
- Not telling African American testers about move-in specials, or attaching conditions to those specials.
- Using detailed screening criteria with African American testers, including credit or criminal background checks, which white testers were not given.

In the tests for **disability-based** discrimination, 38% showed patterns of inconsistencies that create barriers for people with disabilities. The inconsistencies include:

- Refusing to accommodate service animals, asking for a pet deposit or quoting a weight limit.
- Not telling testers about available units.
- Parking areas with no spots designated for people with disabilities, or managers' being unwilling to respond to inquiries regarding parking for people with disabilities.

About 46% of the properties tested had fair and equitable policies and procedures for working with prospective renters, and showed no evidence of discrimination. The City of Seattle recognizes the importance of their support of fair housing.

### **Why do these inconsistencies matter?**

Being quoted a higher rent because of your race is no small thing; nor is being turned away from an apartment because you use a service animal. These test results are not isolated incidents – they demonstrate patterns of behavior that have profound impact on people’s lives. Equitable housing opportunities are critical for Seattle’s residents to thrive.

### **When was the testing conducted?**

SOCR contracted with the Fair Housing Center of Washington, an independent non-profit organization, to conduct the tests. The tests occurred between January and mid-July, 2011.

### **How were the properties chosen for testing?**

Fair Housing Center of Washington made a random selection of properties with vacancies from zip codes within Seattle city boundaries. The Seattle Office for Civil Rights included two properties based on our office’s prior case experience.

### **Why did the City of Seattle conduct this testing?**

Testing offers a snapshot of local housing providers’ policies and practices. Most fair housing enforcement is complaint-driven – that is, a fair housing enforcement agency like the Seattle Office for Civil Rights conducts an investigation only after someone files a charge alleging discrimination against a specific housing provider. Testing helps the public to develop a broader assessment of our community’s current fair housing conditions, and to take steps to create more fairness in the rental market.

### **Who are the testers, and what do they do?**

Testers are hired and trained by the testing agency. Individuals who serve as testers cannot have connections to the real estate industry. Testers are given Renter Profiles that specifies the type of housing they’re looking for, as well as details of their income, work and family circumstances, etc. Testers then present themselves to the rental managers at the selected sites and ask about housing. They record their testing experiences in detail on a standardized form. Following the tests, the testing coordinator debriefs each tester about the details of the site visit. The testing coordinator then analyzes the results and sends them to SOCR.

SOCR reviewed all the detailed test reports as well as the overall results. SOCR ordered re-tests in situations that showed initial evidence of discriminatory practices. The decision to file charges based on the test results rests with SOCR.

### **What gives you the authority to test private properties?**

The courts have consistently determined that testing is a legitimate and lawful activity, and that fair housing enforcement agencies may conduct testing. Seattle Municipal Code (Chapter 14.08) authorizes the Office for Civil Rights to enforce the City’s fair housing laws. SOCR also contracts

with the U.S. Department of Housing and Urban Development (HUD) to enforce federal fair housing laws within Seattle.

Sometimes people ask whether fair housing testing is a form of entrapment. The answer is NO. Entrapment means to entice or persuade someone to do something illegal which they might not otherwise do. Fair housing testing looks at residential property managers' everyday procedures to determine their normal, routine business practices.

### **What will SOCR do with the results of the tests?**

SOCR has filed Director's' Charges against six local properties, including cases where re-testing confirmed that unfair housing practices occurred. We will conduct additional investigations of these charges, and work with the property owners to resolve the cases. SOCR will provide resources to property managers, including staff training on fair housing policies and practices.

We have sent letters to all property owners who were tested informing them of their test results. We hope to meet with managers whose test results showed some evidence of discrimination to evaluate their rental process and to provide fair housing resources to help them to improve their policies and procedures.

Seattle's rental management community has worked closely with SOCR for decades to ensure fair and equitable housing for all Seattle residents. We will continue our ongoing education and training programs, including the [free bi-monthly training](#) available to all Washington State landlords and property managers. Property managers also are encouraged to use the online "[Fair Housing Best Practices for Property Managers](#)."

### **Why do these fair housing test results matter?**

Fair housing is good business policy. As a community, we cannot afford to allow rental agents to make arbitrary decisions – or worse, deliberately discriminate based on applicants' race, disability, or other reasons. These test results confirm that housing discrimination still exists in Seattle, and it hurts us all. Knowing this helps us to rededicate ourselves to work for greater fairness across our community.

### **What is the Seattle Office for Civil Rights?**

The Seattle Office for Civil Rights is a department of the City of Seattle, responsible for enforcing the City's anti-discrimination laws within Seattle city limits. In addition to enforcing civil rights laws, SOCR promotes racial and social justice for everyone in Seattle through education, policy work and the Race and Social Justice Initiative.