

Analysis of Fair Housing Council of Oregon's Data for Multnomah County

Background

To assist the Portland/Gresham/Multnomah County consortium in undertaking an evaluation of fair housing issues and barriers to equal access to housing in Multnomah County, the Fair Housing Council of Oregon (FHCO) has prepared the following analysis. We have reviewed FHCO's fair housing intake and allegation data for the periods from 7/1/13 to 6/30/18.

In order to best understand the data, it is important to understand the mechanics of the discrimination complaint process. When an individual contacts FHCO, they are connected with an intake specialist who will listen to the individual's concerns, ask further questions, and assess the situation to determine if it meets all of the criteria to be considered a bona fide allegation of housing discrimination. At a minimum, the intake indicates that:

- The individual is a member of a protected class
- The individual was otherwise qualified to enter into the transaction or was in good standing with the housing provider
- The event in question took place within the past year
- The transaction is one that is jurisdictional to fair housing laws (related to housing or a housing program, not public accommodation, etc.)
- The event took place in Oregon.

Once it has been determined that this appears to be a bona fide allegation, a robust collection of demographic and other information is performed by the intake specialist. All calls that are screened but do not result in intakes are recorded in the database as "hotline calls", although they may also include inquiries from walk-in clients and/or inquiries sent to FHCO via email. Intake specialists provide individuals with appropriate referrals to other organizations or resources when the issue articulated is not a fair housing matter. A similar screening process is followed by the federal Department of Housing and Urban Development (HUD), and the state of Oregon Bureau of Labor and Industry (BOLI), and any other organization engaging in fair housing enforcement.

- From 7/2013 to 6/2018, FHCO screened 3133 inquiries from Multnomah County, 411 or about 13% of those were determined to be bona fide fair housing allegations.

Fair housing allegations generally require further investigatory activities to support or refute the individual's allegation. After intake of the bona fide allegation, FHCO may perform testing (similar to secret shopping), conduct witness interviews, review documents, conduct research into policies and practices employed by the parties to the transaction, visit a neighborhood or apartment complex and canvas neighbors, etc. Further, in 50-75% of the bona fide allegations received by FHCO, advocacy is conducted to attempt to resolve the situation in an informal manner that is amenable to both parties. Advocacy may include activities such as making a call to the housing provider to remind them of fair housing obligations, mediating a challenging conversation between the housing provider and the housing consumer, or writing an advocacy letter.

- From 7/2013 to 6/2018, 264 advocacy letters were sent on behalf of housing consumers in Multnomah County, resulting in 184 favorable outcomes. In 73 cases reasonable accommodations were granted.

If an individual chooses to file a formal fair housing complaint, HUD and BOLI both have administrative complaint processes. That is to say, FHCO will assist the client in making contact with HUD or BOLI and may aid the victim in filing a formal fair housing complaint. FHCO sometimes files its own formal complaint against a housing provider if the agency has expended resources to investigate an allegation. This complaint may be filed to support the client's complaint or it may be filed if a victim does not wish to file their own complaint for fear of retaliation or other adverse action by the housing provider.

A HUD or BOLI complaint initiates a formal investigation by that agency and may result in further legal action and/or penalties being assessed. (Less than 10% of FHCO's bona fide allegations result in a formal complaint being filed.) When a HUD or BOLI investigation concludes that a preponderance of evidence indicates discrimination has taken place, the complaint may proceed to an administrative law judge, a private civil suit, or to state or federal court with the representation of a Department of Justice attorney for the plaintiff. Many cases are settled before they reach litigation.

During the allegation process, FHCO informs the individuals of the options available to them and provides assistance with navigating the process when they identify what course of action they prefer. The allegation and hotline data you have been provided with in this report reflect activities that have been initiated during the timeframes indicated. The HUD and BOLI data may represent complaints that have been in the investigation and adjudication process for years.

Also of note, in 2005, FHCO conducted a statistically significant survey of households throughout the state. Only 10% of the individuals who indicated they believed that they had been victims of illegal discrimination in the past year claimed to have taken any action to seek redress of their rights. This number corresponds with similar national HUD survey outcomes asking the same question.

Bona Fide Fair Housing Allegation Data

Data by Protected Class Basis.

BASIS	2013	2014	2015	2016	2017	Totals	
Age	4	1		1	1	7	1.3%
Color			2	5	3	10	1.8%
Race	16	8	14	22	16	76	13.8%
National Origin	14	16	7	8	5	50	9.1%
Religion	2	1		1		4	0.1%
Sex	5	5	8	10	7	35	6.4%
Familial	20	10	6	6	8	50	9.1%
Disability	59	61	29	47	41	237	43.2%
Domestic Violence	4	3	1	7	1	16	2.9%
Gender Identity			2	2	1	5	0.9%
Sex Orientation	1	1	2	1	3	8	0.2%
Income Source	6	11	17	8	7	49	8.9%
Marital Status		1	-	1	-	2	0.0%
TOTAL	134	118	88	119	93	549	

Data by Alleged Act

ALLEGED ACT	2013	2014	2015	2016	2017	Totals
Eviction	12	3	9	21	10	55
Reasonable Accommodation	38	45	18	26	29	156
Disparate Treatment	8	4	3	7		22
Design/Construction		1				1
Refusal to Loan	2					2
Illegal Ad/Statement	3	3	6	3	1	16
Refusal to Rent	17	22	21	15	18	93
Steering		1				1
Harassment	35	16	8	15	6	80
Terms and Conditions	19	23	18	25	25	110
Retaliation	5	5	3	3	-	16
Reasonable Modification	5		4		1	10
Unknown/Other		18	6	6	7	37
TOTAL	124	141	96	121	97	

While FHCO does receive allegations alleging discrimination in lending, real estate sales, home insurance, and other housing-related activities, more than 80% of the inquiries relate to rental housing.

Data Analysis

The data above reflects, what our overall data reflects, which is that a majority of complaints that we receive involve some sort of disability discrimination. And that the disability discrimination revolves primarily around reasonable accommodation requests.

There still are race complaints; FHCO does not believe that race discrimination has improved. Rather it is our belief, from audit testing in other parts of the state, that race discrimination has merely become subtler. The data reflects race issues in nearly 15% of the bona fide fair housing allegations.

National origin is a concern in Multnomah County. FHCO has had success in educating providers on methods to screen immigrant applicants, as well as other issues. It's important that this work continues.

Familial status discrimination continues, and the Multnomah County data indicates that happens at least 9% of the time.

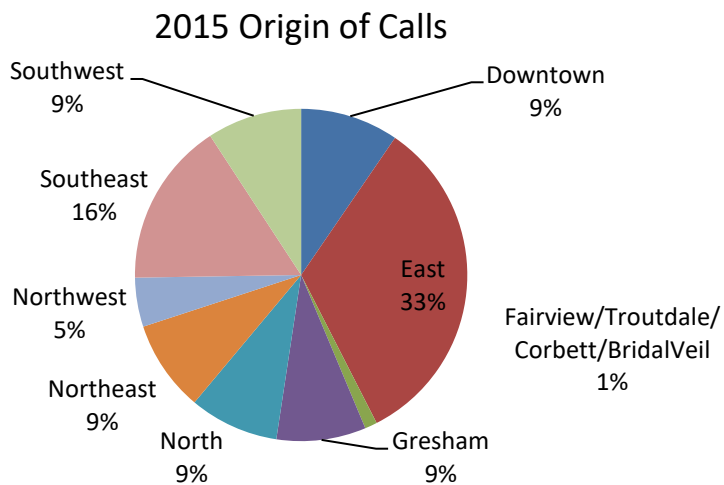
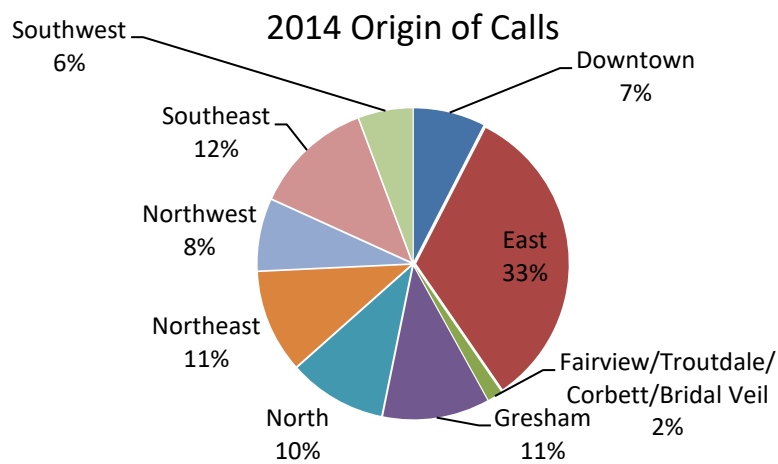
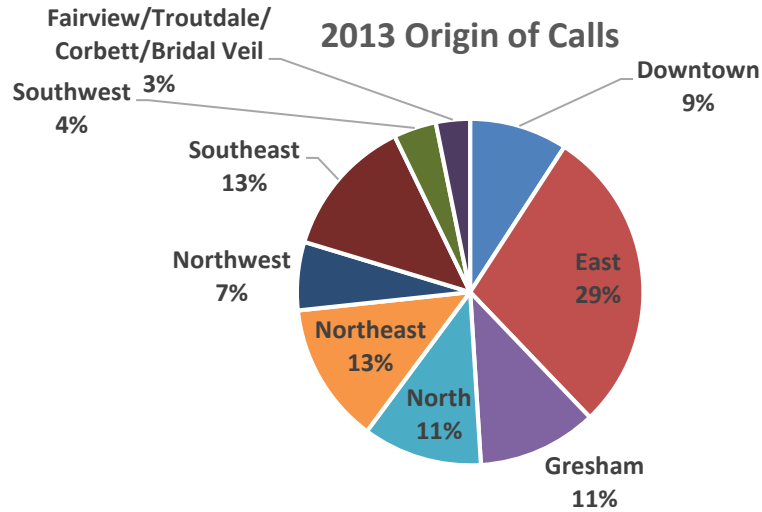
The source of income issues were the basis of 9% of the complaints. This law has been in effect since 2014, and continued education and outreach is necessary in Multnomah County.

Different treatment based on gender identity and sexual orientation was reported to FHCO more frequently than the rest of Oregon. While it is a positive sign that members of this state-protected class are aware of their rights, more must be done to educate housing providers of the law.

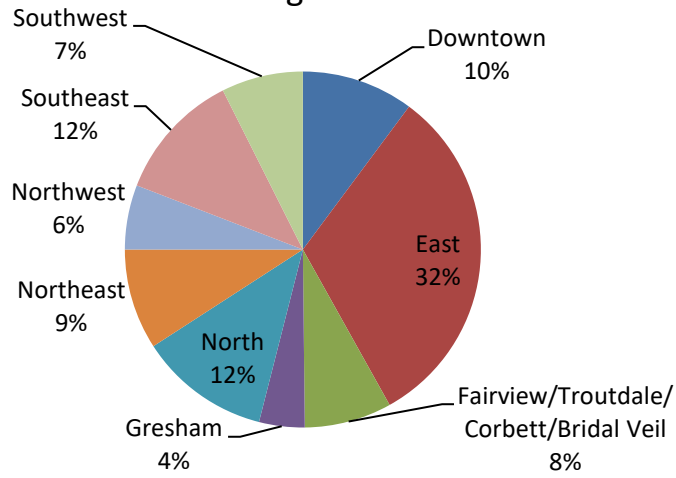
Recommendations

FHCO recommends that targeted education be employed to improve housing provider awareness of the barriers experienced by immigrants, people of color, families, source of income, LGBT, and persons with disabilities. And, that the education and advocacy work that supports people with disabilities in obtaining reasonable accommodations be used as the best practice model to improve equitable access to housing for all protected classes. Further, we recommend regular audit testing to measure the actual status of discrimination across the region rather than assuming that enforcement activity accurately reflects the magnitude of the barriers to equal opportunity in housing.

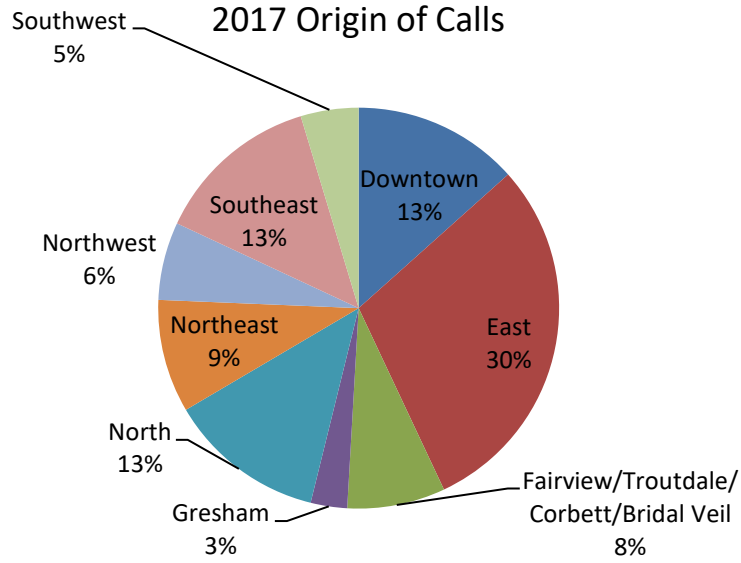
We also recommend that the regional governments adopt a strategy for collecting demographic information on households impacted by "no-cause" terminations. Unless and until these housing practices are given closer scrutiny, it is possible that illegal discrimination is happening in large volume.



2016 Origin of Calls



2017 Origin of Calls



Complaints filed – reported by agency

HUD	Disability	Religion	Familial Status	Sex	National Origin	Race	Color	
2013/14	24	2	2	3	3	9	1	42
2014/15	8	0	2	1	2	6	0	19
2015/16	13	0	7	0	3	5	0	28
2016/17	1	0	0	0	2	4	0	7
2017/18	1	0	1	0	0	0	0	2
Totals	47	2	12	4	10	21	1	98
	48.0%	2.0%	12.2%	4.1%	10.2%	21.4%	1.0%	

BOLI	Disability	Religion	Familial Status	Sex	National Origin	Race	Color	Sexual Orientation	Gender Identity	Source of Income	
2013/14	22	1	0	1	2	8	1	0	0	0	35
2014/15	34	1	0	5	3	10	0	0	0	0	53
2015/16	20	0	4	0	3	6	1	1	0	0	35
2016/17	18	1	0	2	2	10	10	0	2	6	51
2017/18	14	1	3	2	4	8	8	1	0	1	42
Totals	108	4	7	10	14	42	20	2	2	7	216
	50.0%	1.9%	3.2%	4.6%	6.5%	19.4%	9.3%	0.9%	0.9%	3.2%	