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# Fair Housing Testing: Disparate Treatment in Portland Rental Housing



# Presentation Overview


- Introduction
- Fair Housing Laws
- Protected Classes
- Role of Audit Testing
- Data Analysis



# Introduction

# Fair Housing Initiatives Program

- Information and Referral
- Investigation and Informal Advocacy
- Systemic Advocacy and Policy Work
- Formal Complaints and Legal Action
- Education and Outreach



# Fair Housing Laws

# Key Fair Housing Laws

## ❖ Federal Laws

- The Civil Rights Act of 1866
- The Fair Housing Act

## ❖ Oregon Revised Statutes

- ORS 659A.145
- ORS 659A.421
- ORS 659A.425
- ORS 90.449

# What is Fair Housing

- ❖ Fair Housing is the right of all people to be free from illegal discrimination in the rental, sale, or financing of housing.
- ❖ In rental housing, these laws cover the application process, tenancy, and move out.



# What is Fair Housing

- ❖ Treating a person differently in any housing transaction because that person is a member of a “protected class”

# Who Must Comply

Owners/Landlords

Housing authorities

Property managers

Maintenance Staff

Homeowners'  
Associations

Real Estate Agents

Mortgage  
Lenders & Financial  
Institutions

Insurers

Neighbors

Jurisdictions

Advertising media

# “Dwellings” Under Fair Housing

Houses

Apartments (regardless of the # of units)

Condos and floating homes

Mobile homes

Retirement housing, assisted living, etc.

Nonprofit housing and shelters

Possibly motel rooms



# Protected Classes

# Federally Protected Classes

Race

Color

National Origin

Religion

Sex

- **Includes Domestic Violence Survivors**
- **Sexual Orientation**
- **Gender identity**

**Familial Status (families with children)**

Disability

# Oregon Protected Classes

**Marital Status**

**Source of Income**

- **Section 8**
- **Agency rent payments**
- **TANF, SSI, SSDI\***

**Sexual Orientation**

**Gender Identity**

**Local protected classes**



# Role of Audit Testing

# Role of Audit Testing

## ❖ Purpose

- To research, analyze, and identify impediments to fair housing choice
- To propose strategies and actions for localities, agencies, and private entities
- To eliminate, overcome, or mitigate identified impediments



# Role of Audit Testing

## ❖ City of Portland Audit Testing

- Timeframe: July 2022 through June 2023
- 20 Total Paired Audit Tests
- All in City of Portland
- Protected Classes
  - Race/Color
  - National Origin
  - Source of Income

# Role of Audit Testing

## ❖ Limitations of Data

- Different Treatment vs. Discrimination
- Housing Market Vacancies
- Results not intended to be statistically significant
- Applicant Inquiries

# Role of Audit Testing

## Types of Allegations

Refusing to rent, sell,  
or finance

Giving out false or  
inconsistent  
information

Discriminatory  
advertising

Applying different  
policies, rules, and  
procedures

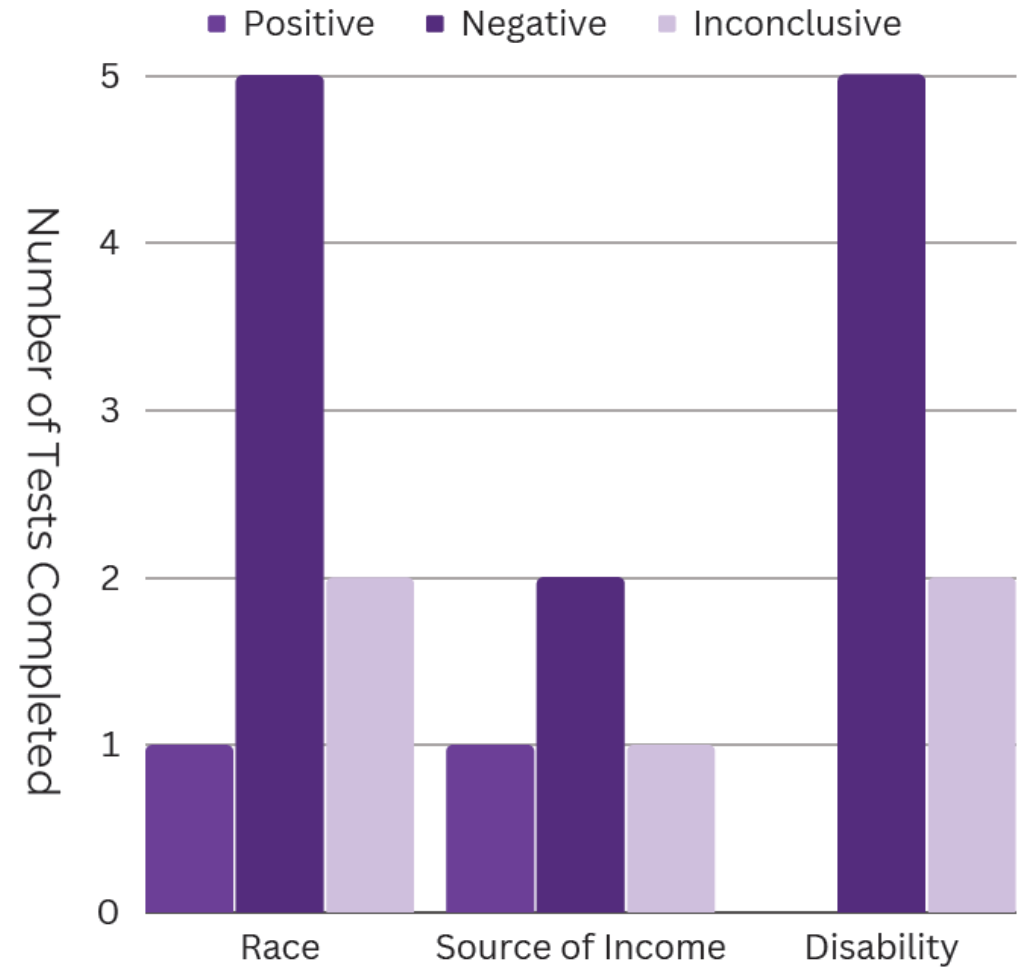
Discriminating against  
residents with  
protected class  
guests

Harassing,  
intimidating,  
threatening, or  
coercing (Sexual or  
neighbor on neighbor  
harassment)

Retaliation, termination  
notices, evictions

# Data Analysis

- **Race**
  - 1 Positive
  - 5 Negative
  - 2 Inconclusive
- **Source of Income**
  - 1 Positive
  - 2 Negative
  - 1 Inconclusive
- **Disability**
  - 0 Positive
  - 5 Negative
  - 2 Inconclusive



# Data Analysis

## ❖ Differential Treatment

- Race
- Source of Income

## ❖ Recommendations

- Collaborate with culturally-specific groups
- Train on accepting rental assistance
- Expand in-person testing

# Data Analysis

## ❖ FHCO Hotline Data

<b>BASIS</b>	<b>City of Portland</b>		<b>Statewide</b>	
Disability	37	39%	111	34%
Race/Color	17	18%	39	12%
Sex	10	10%	48	15%
Domestic Violence	6	6%	21	6%
Familial Status	4	4%	43	13%
Source of Income	12	13%	54	17%
National Origin	10	10%	10	3%
<b>TOTAL</b>	<b>96</b>	<b>100%</b>	<b>326</b>	<b>100%</b>

QUESTIONS?

# What Can You Do?

- **Report Discrimination**

- **Fair Housing Council of Oregon**

- ✓ Website: <https://fhco.org/>
- ✓ Email: [inquiries@fhco.org](mailto:inquiries@fhco.org)

- **Dept. of Housing and Urban Development**

- ✓ Website: <https://www.hud.gov/>
- ✓ Phone: 1-800-669-9777 or 1-800-877-8339

- **Oregon Bureau of Labor and Industries**

- ✓ Website: <https://www.oregon.gov/>
- ✓ Phone: 971-673-0761





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