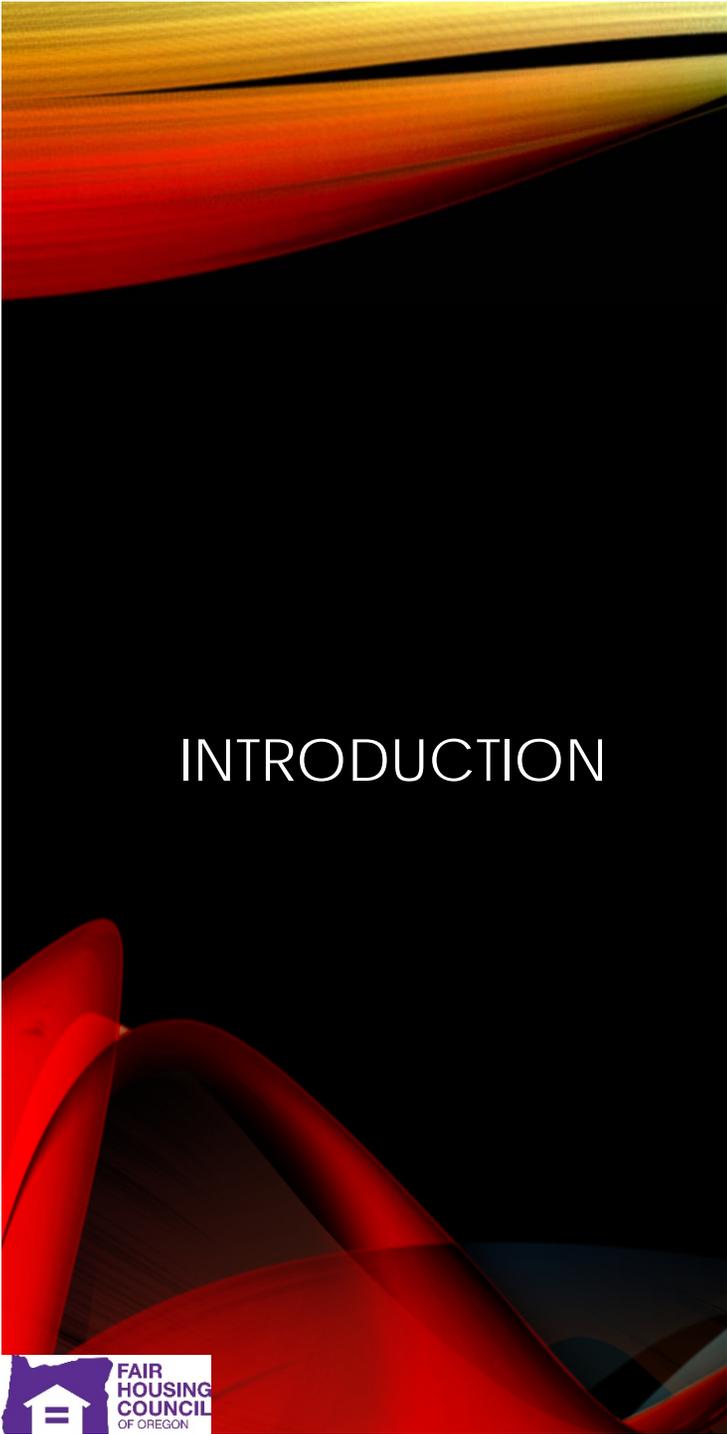


# INDICATORS OF DISPARATE TREATMENT IN PORTLAND RENTAL HOUSING

PRESENTED OCTOBER 2021



INTRODUCTION

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About the Fair  
Housing Council of  
Oregon

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History of the Fair  
Housing Act

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Federal Analysis of  
Impediments and the  
Role of Audit Testing



## ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

- Purpose:

To research, analyze and identify impediments to fair housing choice in the City of Portland and to propose strategies and actions that the City, partner agencies, and/or private entities can undertake to eliminate, overcome or mitigate the identified impediments

# ANNUAL AUDIT TESTING IN THE CITY OF PORTLAND

Audit Testing vs. Complaint-Based Testing

Timeframe: July 2020 – June 2021

44 Total Paired Audit Tests

All in City of Portland

Protected Classes:

- Race/Color
- National Origin
- Source of Income

# TESTING IN THE CITY OF PORTLAND

Purpose of Audit

Considerations

Methodology

Evaluation Process

Limitations

- Different Treatment vs. Discrimination
- Housing market vacancies
- Results ***NOT*** intended to be statistically significant
- Inquiry phase vs. In-place tenants
- COVID-19 Safety & In-Person Tests

# FOLLOWING THE STATUTE

- Refusal to rent dwelling or otherwise make unavailable/steering - 42 USC § 3604(a)
- Discriminatory, terms, conditions, privileges, services or facilities - 42 USC § 3604(b)
- Discriminatory advertisements, statements, and notices - 42 USC § 3604(c)
- Misrepresenting availability of dwellings - 42 USC § 3604(d)
- Discriminate, deny or otherwise make dwelling unavailable because of disability - 42 USC § 3604(f)(1)
- Discrimination in terms, conditions, or privileges or in services and facilities because of a disability - 42 USC § 3604(f)(2)
- Failure to Make a Reasonable Accommodation - 42 USC § 3604(f)(3)(B)
- Interference, coercion, or intimidation - 42 USC § 3617
- Practices, decision, or action having a disparate impact on dwelling availability - 42 USC § 3604(a)

Protected Class	Positive Tests	Percentage Positive Tests	Inconclusive Tests	Percentage Inconclusive Tests	Negative Tests	Percentage Negative Tests	Total Tests Conducted
Race	5	33%	0	0%	10	67%	15
National Origin	10	71.5%	1	7%	3	21.5%	14
Source of Income	6	40%	3	20%	6	40%	15
Totals	21		4		19		44

# OVERALL RESULTS

## A NOTE ON RETESTS AND TESTING RESULTS

- *Re-tests only occur when the initial test was deemed **Positive** or **Inconclusive***
- *Often, smaller providers with only a few units will fill vacancies more quickly*
- *Re-tests of a property cannot be conducted once a vacancy is filled*

Of the 44 tests, 42 were initial tests and 2 were re-tests; of the retests 1 was for Race and was positive for different treatment, and one was for Source of Income and was inconclusive for different treatment.

This year's audit test data shows an increase in the share of tests that came out "positive" relative to previous years. This may have been the result of our increasing use of email tests this year. It appeared from our searches of vacancies that there were more options to engage through email contact with smaller housing providers, which may have influenced the results differently this year versus previous years.

## RACE/COLOR

- 15 Tests Conducted
  - 5 Positive
  - 0 Inconclusive
  - 10 Negative

## RACE/COLOR (CONT.)

- Impediments Identified
  - Misrepresentation of Availability
  - Stonewalled- No response or communication when inquiring.
  - No follow up contact
  - Evasive communication and no virtual access.

# NATIONAL ORIGIN

- 14 Tests Conducted
  - 10 Positive
  - 1 Inconclusive
  - 3 Negative

# NATIONAL ORIGIN (CONT.)

- Impediments Identified
  - Misrepresentation of Availability
  - Different terms and conditions

# SOURCE OF INCOME

- 15 Tests Conducted
  - 6 Positive
  - 3 Inconclusive
  - 6 Negative

## SOURCE OF INCOME (CONT.)

- Impediments Identified:
  - Refusal to accept Section 8/Refusal to Rent
  - Misrepresentation of availability
  - No follow up contact from agent
  - Different Terms, Conditions, Privileges, Services and/or Facilities: Ex. Requiring applicants with a Housing Choice Voucher to have/maintain renter's insurance.

# FAIR HOUSING HOTLINE DATA

- Hotline Data / Referrals – Looking beyond the inquiry phase

BASIS	City of Portland		Statewide	
	Count	Percentage	Count	Percentage
<b>Disability</b>	141	44%	584	44%
<b>Race/Color</b>	49	15%	161	12%
<b>Sex</b>	41	13%	183	14%
<b>Domestic Violence</b>	20	6%	55	4%
<b>Familial Status</b>	18	6%	79	6%
<b>Source of Income</b>	18	6%	113	9%
<b>National Origin</b>	14	4%	88	7%
<b>Sexual Orientation/Gender</b>	14	4%	45	3%
<b>Religion</b>	4	1%	10	1%
<b>Marital Status</b>	1	0%	11	1%
<b>TOTAL</b>	<b>320</b>	<b>100%</b>	<b>1329</b>	<b>100%</b>

# PROPOSED RECOMMENDATIONS

## Community Engagement

### Housing Catalyst Collaborative:

- The Urban League of Portland
- El Programa Hispano Catolico
- Legal Aid Services of Oregon
- Fair Housing Council of Oregon



A model for combatting underreporting of  
Fair Housing violations amongst culturally  
specific communities

## Education and Outreach

- Housing Providers
- Consumers
- Advocates

## Monitoring of Housing Market

- Testing
- BOLI Substantial Equivalence

# PROPOSED RECOMMENDATIONS (CONT.)

# FURTHER RECOMMENDATIONS

Enhanced distribution of community resources and training specific to the process for accepting public funding and section 8 vouchers.

More community training that revolves around deconstructing stereotypes and bias related to poverty and low-income individuals and families, including the intersection of race, national origin, disability, and socio-economic status.

Education around reasonable accommodations and the rights and responsibilities of all stakeholders, including exploration of housing amenities and policies such as parking, assistance animals, and mobility and mental health issues.

Expand testing to include the use of criminal history and credit scores in the rental screening process, which may show a disparate impact on people of color.

Housing providers should review their practices and policies for any potential adverse disparate impacts and different treatment, including lease agreements, rental screening criteria, posted rules, and notices in communal areas.

Housing providers should take steps to ensure that all prospective tenants are provided equivalent information, are given similar informational materials, and are afforded the same amount of follow-up contact.

Leasing agents should be aware of all potential vacancies and provide all available options to home seekers.

Housing providers may want to engage in self-testing of their staff to learn exactly how their staff engages the public.

Housing providers also should remain particularly aware of potential differential treatment and complaints from current residents who are members of all protected classes.

## FURTHER RECOMMENDATIONS

THANK YOU  
AND  
QUESTIONS