

Executive Summary

Between February and April 2002, the Fair Housing Center of Greater Boston conducted a study of housing discrimination against Latino home seekers in the area's rental market. The study relied on telephone testing of housing providers. In all, the FHCGB conducted 50 matched pair tests.

The FHCGB found evidence of discrimination against Latino home seekers in 26 of the 50 paired tests conducted, or 52%. A review of the ways in which discrimination occurred shows that most often, Latino home seekers were less likely to have access to agents and access to view units than white testers. This form of discrimination occurred in over 40% of the tests.

This report is organized into the following six sections:

Section I gives a brief history of the Fair Housing Center of Greater Boston.

Section II provides background on the need for a study of discrimination against Latino home seekers in the region's rental housing market and a sketch of the housing needs of Latino home seekers in the area.

Section III describes the laws and regulations relevant to the study.

Section IV presents a summary of the methods the FHCGB used in conducting the study.

Section V reports the findings, providing examples of the types of discriminatory behavior encountered by testers.

Section VI provides a series of recommendations for further action.

Compared to the overt practices of the past, discrimination today is often more subtle and best revealed through testing. Of the FHCGB's 50 national origin tests, there was not a single instance in which one of the testers was told outright that he or she was being turned away because of ethnicity. However, our analysis of testing evidence shows that more subtle forms of discrimination against people of color are still common practice in the greater Boston real estate market. The findings detailed in this report demonstrate how the telephone effectively slams the door on the prospects for many Latino home seekers to finding rental housing.

I. About the Fair Housing Center of Greater Boston

The Fair Housing Center of Greater Boston (FHCGB) was founded in 1998 by local civil rights and housing advocates and attorneys to promote equal housing opportunities for all people throughout the greater Boston area. A 1998 challenge grant from the Boston Foundation's Community Benefit Fund, along with the matching funds it generated, provided critical start-up support for the FHCGB. Our initial membership drive attracted more than 100 Charter Members, including individuals, other nonprofits, and public entities.

Since its inception, the FHCGB has been a major force for equal housing opportunity in the greater Boston area, forging close collaborations with groups that share our concern over housing discrimination and pursuing our mission in three main program areas: education and outreach, enforcement, and public policy advocacy. The FHCGB's overall programmatic goals are:

Education and Outreach: To inform the general public, home-seekers (both renters and buyers) and housing providers of their fair housing rights and responsibilities.

Enforcement: To assist home seekers pursue complaints of individual and systemic housing discrimination through testing, referrals and legal action; and enhance the region's official enforcement mechanisms through testing and technical assistance.

Public Policy Advocacy: In collaboration with other community, fair housing, legal and civil rights organizations, to advocate for strong local, state and federal housing laws and policies and ensure their implementation.

The FHCGB serves the communities in Norfolk, Suffolk, Essex, Middlesex, and Plymouth counties and seeks to promote fair housing for all protected classes under federal, state, and local laws.

II. Summary of research on housing discrimination

Discrimination is certainly one of the most powerful limitations people of color face in the housing market today. The National Fair Housing Alliance declared in its 2002 Fair Housing Trends Report, “Housing discrimination persists nationwide and is severely underreported.”¹ Recent rental discrimination audits conducted by fair housing centers in other cities have documented the following rates of discrimination:

	Latino	African American
Fresno County CA	77%	74%
Houston TX	65	80
San Antonio TX	52	68
Washington DC	42	33

While in two of these cities discrimination against Latinos is lower than that for African Americans, discrimination is clearly a constant for both populations. Indeed, in the only city with lower than 50 percent incidence for both groups (Washington DC), Latinos experienced higher rates than African Americans.

On April 23, 2001 The Fair Housing Center of Greater Boston released its study, “We don’t want your kind living here: A report on discrimination in the greater Boston rental market.” The FHCGB conducted 50 matched pair in person tests and 48 paired phone tests over the five month period between October 2000 and March 2001. The FHCGB tested for discrimination based on family status (the presence of children), race, and source of income (receipt of Section 8 housing assistance). An analysis of phone testing and in person testing showed that more than 50% of the protected class testers experienced some form of discrimination. In other words, families with children, African Americans and Section 8 holders were discriminated against in *at least half* of their attempts to find housing.

The 2000 Census data released the same month as the FHCGB’s report showed that the Latino population has increased throughout the region substantially more than any other ethnic group.² More recently, an analysis by the Harvard Civil Rights Project clearly documented the growth of populations of color in the region as well as the “soaring” population of color within Boston itself.³ According to the CRP analysis, the Boston area remains the third most “white” metropolitan area in the nation (behind only Pittsburgh and Minneapolis). More to the point, the analysis found that though most of the growth in the Boston metro area was “attributable to an

¹ “2002 Fair Housing Trends Report,” Report by the National Fair Housing Alliance (NFHA), April 3, 2002. The 2002 Fair Housing Trends Report is based on 2001 complaint data compiled from NFHA member agencies nationwide, the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Justice (DOJ) and more than 70 state and local government agencies.

² “Melting pot- BRA: Census shows non-white majority in Hub.” *Boston Herald*, March 22, 2001.

³ “Race, Space, and Opportunity: Racial Change and Segregation in the Boston Metropolitan Area 1990-2000.” Report by the Civil Rights Project, Harvard University. May 30, 2002. According to the CRP: “During the 1990s, the Boston metropolitan area grew by 262,000 people or 6.4...This growth was entirely attributable to an increasing minority population; the absolute number of whites declined by over 42,000. Thus, while the Boston metro was 87 percent white in 1990, that share dropped to 80 percent by 2000.” (page 3)

increasing minority population,” “segregation rates” between whites and people of color actually “increased slightly, especially for Latinos.”

	Population by Race: Percent Change between 1990 and 2000			
	Total Population (2000)	Total Population Change	Not Hispanic or Latino	Hispanic or Latino (any race)
Essex County	723,419	+ 8.0%	+ 3.5%	+ 64.9%
Middlesex County	1,465,396	+ 4.8%	+ 3.5%	+ 40.8%
Norfolk County	650,308	+ 5.6%	+ 5.0%	+ 42.5%
Plymouth County	472,822	+ 8.6%	+ 8.4%	+ 20.5%
Suffolk County	689,807	+ 3.9%	- 3.9%	+ 46.9%

These data only underscore previous findings that housing segregation for Latinos -- both here in the Boston region and nationwide -- is similar to that experienced by African Americans. A report by the Lewis Mumford Center noted, “The metro areas with the largest Hispanic populations are also the most highly segregated.” The study found that of these metro areas, Latino-White segregation in Boston is among the highest in the nation, having increased from 55 percent in 1980 and 1990 to 59 percent in 2000.⁴ The results of such segregation are devastating and lasting. According to Harvard University Professor Gary Orfield, these patterns become “self-perpetuating because most people shop for housing in familiar areas.” He adds that people of color “have had limited opportunities to gain knowledge and make acquaintances outside their own communities.”⁵

⁴ “Ethnic Diversity Grows, Neighborhood Integration Lags Behind,” Report by the Lewis Mumford Center, April 3, 2001. According to this report, “Unfortunately the 2000 Census shows that growing ethnic diversity in the nation is accompanied by a high degree of residential segregation. The average non-Hispanic white person continues to live in a neighborhood that looks very different from those neighborhoods where the average black, Hispanic, and Asian live.” The percentages reported indicated the proportion “of either group [that] must move to a different [census] tract for the two groups to become equally distributed.”

⁵ Orfield, G. “Housing Segregation: Causes Effects, Possible Cures.” The Civil Rights Project, Harvard University. National Press Club, April 3, 2001.

Any such trends are particularly troubling in Boston, where a Census Bureau Statistical Brief reported, “Hispanic householders in New York, NY (13 percent), Boston (19 percent), and Jersey City, NJ (20 percent) were the *least likely* of those in the top 50 [metropolitan areas with the highest number of Hispanic households] to be homeowners.”⁶ (original emphasis). By this standard, rental housing discrimination has the potential to affect four out of five Latino families in the Boston metropolitan area. Thus, the need to document any such discrimination becomes all the more urgent as the first step towards eliminating discriminatory practices.

These studies combine to create a disturbing picture of continuing residential housing segregation of Latinos in the greater Boston area, but none of the research addresses the possible causes. In order to attack the high level of segregation in the region, it is critical to determine the extent it results from discrimination.

⁶ “Housing in Metropolitan Areas – Hispanic Origin Households.” Bureau of the Census Statistical Brief, March 1995.

III. Applicable laws

Housing discrimination is defined largely by the Fair Housing Act of 1968 and the Fair Housing Act Amendments of 1988 (42 USC § 3601 et seq.). This statute prohibits specific practices and the regulations implementing the act provide further elaboration. The law specifies the bases of discrimination prohibited as: race and color, national origin, sex, religion, family status (families with children, single parents, unmarried parents) and disability. In Massachusetts, as in many other states, housing discrimination is also prohibited under state law. Chapter 151b of the Massachusetts General Laws largely mirrors the federal law, but adds certain bases: marital status, sexual orientation, veteran status, age, and source of income (receiving welfare or some other public assistance and/or have a housing subsidy) to the list of protected classes.

According to the law, housing providers are prohibited from the following actions because of a person's membership in a protected class:

- Refusing to rent, sell, or negotiate for housing on the basis of the characteristics of a protected class;
- Making housing unavailable or falsely denying that housing is available;
- Setting different terms, conditions or privileges for the sale or rental of housing;
- Denying or making different terms or conditions for a mortgage, home loan, homeowners insurance or other real estate related transaction;
- Advertising housing for rent or sale in a way that is discriminatory;
- "Blockbusting for profit" by persuading owners to sell their homes by telling them minority groups are moving into the neighborhood; or
- Threatening, coercing or intimidating anyone attempting to exercise his or her fair housing rights.

Several practices to which Latino home seekers are likely subjected fall under the Fair Housing Act's prohibition against imposing different terms and conditions. For example, a housing provider cannot require additional documentation of a Latino applicant, such as a green card or proof of residency, which is not required of a white applicant. It is also illegal for a housing provider to inquire about a home seeker's ethnic background or ancestry.

IV. Methodology

Testing

Testing is one of the most effective ways of uncovering discrimination. Quite simply, a test is designed to reveal differences in treatment and isolate the cause of any such differences. Testing is a controlled method of measuring and documenting variations in the quality, quantity and content of information and services offered or given to various home seekers by housing providers. Testers are matched on personal and home seeking characteristics so that the significant difference between them is the factor being tested. In fact, test assignments are designed such that in a discrimination-free environment, the protected class tester would have the advantage over the control tester.

Testing has become a common and accepted practice in several arenas. Testing is used for self-compliance monitoring by the real estate industry and lending institutions. Many agencies and management companies use ‘shopping services,’ a form of testing that allows them to determine if their leasing staff are complying with fair housing laws. Additionally, testing is commonly used in response to a complaint filed by an individual home seeker. This complaint-based testing is used to determine whether or not there is evidence to verify an individual’s claim of discrimination. The legitimacy of testing evidence in housing discrimination cases has been firmly established by the courts. In 1982, the Supreme Court in *Havens Realty Corporation v. Coleman*, 102 S.Ct. 1114, held that testers who are discriminated against or receive false information from housing providers have standing to sue.

The FHCGB selected Latino testers with identifiable accents to conduct the phone testing for this audit. In a 1999 study of accent identification, researchers concluded “dialect identification is possible using the word hello” and that “landlords discriminate against prospective tenants on the basis of the sound of their voice during telephone conversations.”⁷ Results from rental audits conducted by fair housing agencies around the country, as well as the FHCGB’s own experience testing for complaints, demonstrate that phone testing is a valuable tool used to detect discriminatory housing practices.

The test counts described throughout this report refer to matched sets of testers – commonly called a paired test. In each pair, the protected class tester is assigned characteristics that make him or her slightly more qualified than the control tester. For example, the Latino tester has a higher income or job status than the white tester. By comparing their experiences, the FHCGB is able to identify any differences in treatment and/or information given.

It is important to emphasize that a rental audit is a systematic investigation of housing discrimination in the rental housing market for the purpose of gauging the prevalence and types of discrimination at play in the market at a given point in time. An audit is intended as an information-gathering device and not to generate complaints or enforcement actions. The findings do, however, establish the foundation for future enforcement efforts and serve to heighten awareness among seekers and providers of housing of their rights and obligations under existing fair housing laws.

⁷ Purnell, T., Idsardi, W. & Baugh, J. (1999). Perceptual and phonetic experiments on American English dialect identification. *Journal of Language and Social Psychology*, Vol. 18, Issue 1.

Selection of sites

The test sites were selected as follows:

Towns/neighborhoods: The FHCGB conducted testing in five areas outside of Boston and several neighborhoods within the city of Boston where rapid change in racial and ethnic composition has been documented in the 2000 Census. The five areas selected were Boston's northern and western suburbs, and communities north, west and south of Boston. The FHCGB tested in two to four cities or towns within each of these regions. Communities were selected to provide a representative sample of the diversity of the greater Boston market with regard to type of rental housing stock, prices, and population.

Agencies/complexes: In order to reflect the variety of housing sources in the region, testers called both apartment complexes and real estate agencies, including unaffiliated, single site realtors as well as large chain companies. Since many phone tests were selected from classified newspaper ads, they also included some individual landlords.

Sources: The FHCGB used *The Boston Globe*, *The Boston Herald*, the online apartment search sites Apartments.com and Homestore.com, as well as apartment magazines.

Selection and Training of Testers

The FHCGB recruited testers through organizations working with Latino home seekers in greater Boston as well as through universities and housing and civil rights organizations. All of the Latino testers used in this study spoke fluent English with an identifiable Latino accent.

The FHCGB staff provided all testers with standardized training that emphasized the role of testers as objective fact finders. To ensure the objectivity of the test results, the staff did not divulge to testers the basis of the discrimination for which they were testing. After completing the training testers are eligible to receive a stipend for completed tests. Some testers choose to donate this back to the FHCGB.

In order to conduct the phone tests, matched pairs of testers called to inquire about the availability of apartments. The objective was to speak to a housing provider, but if testers tried several times to reach an agent and were unsuccessful, they were instructed to leave a message with their contact information. If calling in response to an ad, testers were asked to specify about which apartment they were calling. If calling to inquire about apartments at a particular complex or to find out what was available at a particular real estate agency, testers were instructed to leave additional information about unit size and price only. The FHCGB adopted this protocol to ensure that both testers had an equal chance of receiving a return phone call from the agent or landlord.

The FHCGB trained testers to pay close attention to the information they received. Testers completed detailed narratives documenting their experiences. The experiences of each tester in the pair were then compared and analyzed to determine whether or not there were differences in the treatment, information and/or service provided.

The FHCGB conducted 50 phone tests between February 27, 2002 and April 5, 2002, and as the following results show, found significant differences in treatment for home seekers because of their national origin.

V. Findings

Of the 50 national origin tests conducted, 26 revealed evidence of discrimination (52%).

These results show that Latino home seekers experienced discrimination in over half of their attempts to find rental housing.

The following is an explanation of the five forms of discrimination testers faced. It is important to note that there was significant overlap between the various forms – it was not uncommon for a single home seeker to receive two or three forms of differential treatment during a single phone test with a housing provider.

Access to Agents/Access to View Apartments

More often than any other form of discrimination, Latino testers were denied access to agents or apartments. Latino testers were deterred from speaking to agents and/or making appointments to see agents. Agents and landlords offered white testers appointments to view one or more apartments at sites where Latino testers were not offered any appointments. Additionally, there were instances when agents called landlords to see if there were apartments ready for viewing by white testers, but did not make such calls for Latino testers.

Application Process/Terms and Conditions

Agents and landlords gave Latino testers different, more strenuous terms and conditions for the application process than white testers. These differences included higher rents, application fees and security deposits. Differences in the application process also included more difficult requirements for Latino testers, such as job inquiries and income requirements that were not asked of white testers.

Information About the Availability of Units

Agents and landlords gave white testers information about the availability of units, but did not give the same information to slightly more qualified Latino testers. Housing providers falsely told Latino testers that no units were available, that fewer units were available, or gave different information to white testers about when units would become available.

Follow-Up Contact Offered and/or Received

Housing providers often told Latino testers that someone would get back to them. There were multiple instances when providers told both testers that someone would get back to them, but only the white tester received follow-up contact. Differences in follow-up also include instances in which agents or landlords provided white testers with a direct number or cell phone number and/or encouraged the white testers to keep in contact while providers told slightly more qualified Latino testers someone would contact them but never did.

Information about Amenities

Agents and landlords told white testers about the amenities of a particular unit or apartment complex, but did not tell Latino testers about any amenities. In contrast, agents told Latino testers the reasons why they might not want to live in a particular unit or complex.

Examples of discriminatory behavior

Compared to the overt practices of the past, discrimination today is often more subtle and revealed only through testing. Of the FHCGB's 50 national origin tests, there was not a single instance in which one of the testers was told outright that he or she was being turned away because of ethnicity. However, the FHCGB's analysis of testing evidence shows that more subtle forms of discrimination against people of color are still common practice in the greater Boston real estate market.

A review of the ways in which discrimination occurred shows that Latino home seekers are less likely to have access to agents and access to view units than white testers. This form of discrimination occurred in over 40% of the tests. In other words, the door is never even opened.

For example, a Latino tester and a white tester called the same complex to inquire about the availability of one bedroom apartments. The white tester was encouraged to come in anytime Monday through Friday to view a unit. The Latino tester was told to call back later in the month for an appointment.

Housing providers gave Latino testers different information about the availability of units than white testers. In one test, an agent told the Latino tester that no apartments would become available for approximately six weeks from the date of his call. The agent told the white tester there were a couple units available for "immediate occupancy" and encouraged him to stop by for a viewing anytime Monday through Friday. At an apartment complex, an agent told the Latino tester that no one bedroom apartments would be available until four months from the date of the call. The agent told the white tester about a one bedroom unit that would be available in a few weeks.

Agents also made follow-up calls to Latino testers much less frequently than to white testers. There were several tests where both testers left messages with agents or landlords, and agents only called the white tester back. For example, two testers responded to a newspaper ad for an available unit and both testers left voice mail messages. An agent called the white tester back an hour later and invited the tester to view the unit the same day. The agent told the tester that normally a full month's fee is required, but "the owner would rather have someone good," and would be willing to pay half the fee. The agent did not ask the white tester about his income, rental history, or credit. The agent never called the more qualified Latino tester.

Housing providers subjected Latino testers to a more strenuous application process and imposed different terms and conditions than they did for less qualified white testers. Agents were much more likely to ask Latino testers about their income and occupation than white testers. At one apartment complex a manager told the Latino tester that no units were available, but that there is an application fee and the complex requires tenants to make at least \$35,000 per year. The manager told the white tester a unit was available, encouraged the tester to come in anytime and did not make any mention of application fees or income requirements. The manager also told the white tester that management "will take half off [fees] if your credit is good." This manager did not make this offer to the Latino tester.

Housing providers often confronted Latino testers with different terms and conditions even when they told them about the same units as white testers. For example, two testers called to inquire about units and an agent told both about a unit available immediately. The agent told the white

Acceso negado

Access Denied

tester the available unit was \$1300 per month. The agent told the Latino tester the same unit was available but quoted a price of \$1385 per month. If the two testers had been bona fide home seekers, the Latino tester would have spent over \$1,000 more per year in rent than the white tester.

Each of these examples illustrates the injury caused to actual people by housing discrimination.

Recommendations

Based on the results of the FHCGB's audit, it is clear that the telephone is used to slam the door on the prospects for many Latino home seekers to find rental housing. Such a finding is truly disturbing, since it suggests that the region's burgeoning immigrant population faces similar exclusion when seeking rental housing and that discrimination is contributing to the increasing segregation of populations of color. The findings lead the FHCGB to make a number of specific recommendations.

- There is an obvious and glaring need for comprehensive training to ensure that housing providers are aware of their responsibilities under the fair housing laws. Housing providers must make sure that they and members of their staffs know and understand that they cannot treat people differently because they have an accent.
- The Greater Boston Real Estate Board and other realtor associations in the region and the FHCGB should negotiate partnership initiatives that employ fair housing experts to conduct education, training, and outreach programs, and expand voluntary compliance to include the use of testing.
- There is an equally obvious need for a comprehensive program of ongoing training on fair housing rights and responsibilities designed specifically for landlords, including both large and small property owners.
- While all of the FHCGB's callers were fully conversant in English, housing providers should provide written materials in a variety of languages and avail themselves of services like the Language Line. Housing providers should consider pooling resources for this purpose or look to their board of realtors for support.
- The myriad discriminatory practices revealed by the audit underscore the need for extensive outreach and education for Latino home seekers about their rights under the fair housing laws and the resources available to secure those rights.
- The various existing enforcement agencies - Federal, state and local -- must continue vigorous efforts to enforce the laws. They must complete investigations of valid fair housing complaints in a timely and efficient manner. These enforcement agencies must be allocated sufficient funds to carry out this work.
- All jurisdictions that have conducted Analyses of Impediments to Fair Housing - regional as well as local - should thoroughly review those documents, evaluate performance to date, and implement those recommendations they have not yet addressed. This includes coordination with non-profit organizations and housing authorities. Jurisdictions should specifically address barriers to fair housing choice encountered by Latinos and other home seekers of color.
- Public and private organizations in each of the region's cities and towns must organize efforts to address the community tensions implicit in the widespread discrimination documented by this audit. These efforts should include a range of activities designed to ensure that communities are welcoming, open and accessible.
- The frequency and subtlety of the discriminatory practices revealed during the FHCGB's rental audit underscore the need for ongoing systemic and complaint-based discrimination testing.

Acknowledgements

Funding for this report and the conduct of the rental audit which it summarizes was provided by the Boston Foundation, the US Department of Housing and Urban Development, and the members of the Fair Housing Center of Greater Boston.

Board of Directors: Sonia Alleyne, President, Mae Bradley, Jim Campen, Nadine Coehn, Joseph Edwards, Michelle Ekanem, Blake Lucas, Andrea Luquetta, Paul Marcus, Josephine McNeil, Chris Norris, Barbara Rabin, and Arlene Snyder.

Audit Coordinator and Primary Author: Rashida Ogletree.

Cover art by Roxan McKinnon.

The Fair Housing Center of Greater Boston would like to thank all of our testers. This report is a result of your commitment, diligence, and hard work, for which we are deeply grateful. Thanks also to the staff of City Life/Vida Urbana and Jacqueline Ruiz who assisted in tester recruitment and training.