

Washington County, the City of Beaverton, and the City of Hillsboro Rental Housing Audit Testing Report

Audit Testing report prepared by:

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September 2019

(Final - September 30, 2019)

Introduction

The federal Fair Housing Act (FHA) was signed on April 11, 1968, and made it illegal to discriminate in housing based on an individual's race, color, national origin, or religion. The FHA was further amended to include the protected classes of sex, familial status, and disability in 1988. The Act intended to end the rampant racial segregation of the mid-20th century and discriminatory government and private actions that created and maintained segregation of neighborhoods and communities.

This advancement of the FHA continues on a federal and state level. Oregon has extended these protections under Oregon Revised Statutes (ORS) Chapter 659A to include marital status, sexual orientation, gender identity, domestic violence survivors, and legal sources of income.

Despite these landmark legislative actions that have instituted civil rights protections in housing, many members of our communities recognize that discrimination and differential treatment continue within the housing market. Today, discrimination and differential treatment are less overt. There is rarely a slammed door or a blatant derogatory statement, but instead a lack of availability, a higher cost, or different terms and conditions provided. Often this leaves a community member with the sense that they have been treated inequitably but without the means to directly identify the discrimination.

Fair Housing Council of Oregon (FHCO) performed 35 audit tests on the basis of source of income, race, national origin, and disability throughout Washington County, the City of Beaverton, and the City of Hillsboro. These tests revealed that individuals from each of these protected classes continue to face inequitable barriers when seeking housing.

The concern is that community members from diverse backgrounds seeking housing are treated less favorably. These same home seekers may have to apply to several places before they can find housing in Washington County. They have trouble accessing the housing of their choice. More than 50 years after the passage of the federal Fair Housing Act, one would hope that this would no longer be happening. Unfortunately, there is still a lot of progress to be made.

Summary

The results of audit tests conducted between January 2019 to September 2019 show that housing providers continue to provide adverse differential treatment to prospective renters based on a person's source of income, race, national origin, and disability. The most common differential treatment is the provision of differing rental terms and conditions, unit availability, and availability/move-in dates. Testing in this audit shows that agents continue to make statements that could either discourage protected class testers from renting or applying or disproportionately encourage comparative testers to rent or apply.

In these audit tests, the fact that source of income yielded the highest rate of adverse differential treatment in our test results is of concern. Housing providers must address any differential information and treatment provided to individuals receiving public funds, including comments made to prospective renters, current tenants, and/or guests. Housing providers should review all policies for unintended discriminatory impact on members of protected classes. Housing consumers must be made aware of their rights. They should be encouraged to remain vigilant in identifying policies and practices that signal differential treatment and urged to take action when such treatment is suspected.

It is critical that all Washington County residents receive equal treatment and have equal access to the housing of their choice. Washington County, the City of Beaverton, and the City of Hillsboro should increase education for consumers, advocates, and housing providers, and the three jurisdictions need to continue monitoring the housing market. Thoughtful policy planning and partnerships between jurisdictions and fair housing advocates will promote equitable access to housing and opportunity. With targeted effort and planning, Washington County can leverage resources in this time of growth to advance social and economic equity for all residents.

About the Fair Housing Council of Oregon

The Fair Housing Council of Oregon is a nonprofit civil rights organization with the mission of eliminating illegal housing discrimination in Oregon.

FHCO promotes equal access to housing by providing education, outreach, technical assistance, and enforcement opportunities specifically related to federal, state, and local fair housing laws. These laws protect against illegal housing discrimination based on "protected class status" in any housing transaction and, in fact, any housing situation.

Audit Testing Analysis

The following report details the results of an audit of rental housing conducted by FHCO within Washington County, the City of Beaverton, and the City of Hillsboro, Oregon for discrimination on the basis of source of income, race, national origin, and disability. This report covers testing that took place over a nine month period, from January 2019 through September 2019.

Evaluation Process

While testing may provide an objective means to identify differential treatment or practices, the presence of differences does not necessarily mean that a housing provider is engaging in housing discrimination. (For example, if different agents at one test site have their own unique sales approach, the testers may report different experiences while receiving substantially similar information.) Likewise, the lack of observed differences at a particular site does not preclude the existence of discriminatory practices. Housing discrimination occurs as a result of adverse differential treatment toward someone because of their protected class.

For the purposes of this report, testing results are defined as either “positive”, negative,” or “inconclusive.” A test will be defined as “positive” when one or more differences are identified in the information provided to the protected class tester which could be considered adverse when compared to the comparative tester. For example, if a protected class tester is provided a higher quote for a security deposit than the comparative tester, the test will be defined as “positive” because of evidence of adverse differential treatment. Tests are defined as “negative” when protected class testers are provided equivalent information (or given equal or better treatment) regarding housing opportunities. In a “negative” test, there should be no materially differential treatment.

A test will be defined as “inconclusive” when the details of the test fail to demonstrate a clear positive or negative finding. For example, a test may be deemed inconclusive if two testers speak to the same agent about the same property, but the protected class tester is told to apply through a different website than the comparative tester. Under such circumstances, the test would be evaluated as inconclusive in order to allow our agency to conduct further investigation in the future.

Summary of Results

The Fair Housing Council of Oregon (FHCO) conducted thirty-five (35) audit tests throughout Washington County, the City of Beaverton and the City of Hillsboro between January 2019 and September 2019. These tests were designed to assess whether members of certain federal and state protected classes encounter different treatment in

the housing market, and the results will help inform all stakeholders of current barriers to housing choice as part of the 2019 federal Analysis of Impediments. Testing by FHCO for this report focused exclusively on four (4) protected classes: source of income, race, national origin, and disability.

To be clear, the findings in this report are *not* statistically significant as they represent a limited snapshot of just a handful of housing transactions. And yet, the statistical significance is *not* the point here. Instead, this synopsis illuminates what the day-to-day experience of a prospective renter encompasses as a member of a protected class.

The value of this document to jurisdictions, agencies, public officials, renters, housing providers, planners, and other relevant stakeholders, lies in the fact that it creates a record of specific barriers that limit diversity, integration, and equity in the places we call home. It is the hope of our agency that this report will contribute to an assessment outlining a broader framework of what residential life in Washington County, and the individual jurisdictions that comprise it, should look like for *all* people.

What follows below is a factual depiction of how barriers to equity in housing may manifest themselves for members of the protected classes tested. As such, it will break down aggregate data pertaining to inequitable trends identified in the application process through testing. As a final introductory point, FHCO wishes to point out that this report is *not* about placing blame on any particular stakeholder; it is intended to inspire informative public dialogue about how to address a central equity problem that affects all of us in one way or another.

Washington County testing numbers				
Classification	Washington County	Hillsboro	Beaverton	Total
Disability	4	2	2	8
Positive	1		1	2 positive
Inconclusive				
Negative	3	2	1	6 negative
National Origin	5	2	3	10
Positive	1	1		2 positive
Inconclusive	1	1	2	4 inconclusive
Negative	3		1	4 negative
Source of Income	5	3	3	11
Positive	4	1	1	6 positive
Inconclusive		1		1 inconclusive
Negative	1	1	2	4 negative
Race	3	2	1	6
Positive			1	1 positive
Inconclusive				
Negative	3	2		5 negative
Total	17	9	9	35

Key Points & Overall Results

EVALUATIVE FACTORS: FOLLOWING THE STATUTE

In evaluating the outcome of each individual test, FHCO was guided solely by the language of the Fair Housing Act (FHA) itself. The statutory language of the FHA prohibits the following activity in a housing transaction (Please note: the following list is not an exclusive list of prohibited conduct in the FHA, but is instead intended to map out the broad parameters of the law):

- **Refusal to rent dwelling or otherwise make unavailable - 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)**
- **Refusal to rent or otherwise make unavailable because of disability - 42 USC § 3604(f)(1)**
- **Inquiring about nature or severity 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)**
- **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)**

Each FHA provision cited above constitutes a separate violation of the FHA. As such, tests can be deemed as having an outcome that is positive for different treatment because the evaluators discovered one or more of these violations in a single test. If none of the provisions cited above were found to be violated in a test, then there is no way it would be evaluated as anything other than negative for different treatment.

Tests Overall by Protected Class

FHCO conducted a total of thirty-five (35) tests broken down by the following protected classes.

SOURCE OF INCOME

Of the thirty-five (35) tests conducted by FHCO, eleven (11) focused on source of income as a protected class. Unlike race, national origin, and disability, source of income is not a federally protected class. Before July 1, 2014, landlords could legally refuse to rent to people receiving federal rent assistance, including Section 8 vouchers.

Now, Oregon's fair housing law makes it unlawful for landlords to refuse to rent to an applicant for rental housing because the person receives assistance such as a Section 8 voucher.

Source of income is only protected on the state level. While the percentage of female-headed households, families with children, immigrants, racial minorities, and disabled individuals who receive vouchers in Washington County is beyond the scope of this document, it is possible that all of these federally protected classes may be disproportionately harmed by different treatment based on source of income.

Of the eleven (11) tests conducted by FHCO on the basis of source of income, six (6 total: 4 Washington County; 1 Hillsboro; 1 Beaverton) were deemed positive for different treatment by FHCO's Enforcement Team. One (1) test focusing on source of income as a protected class was inconclusive (1 total: Hillsboro), and four (4 total: 2 Beaverton; 1 Hillsboro; 1 Washington County) were negative for different treatment. When six (6) out of eleven (11) tests based on Source of Income are deemed positive, it should raise red flags for all jurisdictions and stakeholders involved.

In the source of income tests deemed positive for different treatment, the following problematic practices were unveiled: Misrepresentation of Availability (offering availability of less total units or failing to offer specific floor plans to voucher holders), Terms and Conditions (failure to offer a voucher holder the same move-in procedure options, less favorable utility calculations, follow-up correspondence, less favorable application process requiring in-person submission, and significantly delayed move-in dates than someone without a voucher), and finally Refusal to Rent/Otherwise Deny or Make Housing Unavailable.

In order to understand the impact that different treatment based on source of income has on a community, one must first have an understanding of the people generally eligible for housing subsidies from federal, state, local governments as well as non-profits. Generally speaking, these subsidies are reserved for the most vulnerable individuals living amongst us and such funds are distributed in a manner intended to open a pathway to a more stable life with secure housing. Different treatment on the basis of source of income not only contravenes the legislative intent of the Oregon State Legislature, it also has the potential to catastrophically impact people already living on the verge of extreme poverty. Ultimately, being turned away from a dwelling could result in someone taking more time off work, losing custody of their children, or losing their voucher eligibility altogether. Based on these results, there is a lot of work to do to even the playing field.

RACE

Of the thirty-five (35) tests conducted by FHCO, six (6) focused on race as a protected class. FHCO's Enforcement Team determined that one (1) out of these six (6) tests were positive for different treatment. This positive finding was based in Beaverton. Five (5) additional tests were deemed negative by FHCO staff (5 total: 3 Washington County; 2 Hillsboro).

Testing captured problematic practices reflecting different treatment. Results demonstrated that a Caucasian comparative tester was offered information on the availability of several more units than the Black/African American protected tester (Misrepresentation of Availability). Moreover, the Caucasian comparative tester received follow-up communication from an agent in the form of electronic correspondence encouraging them to apply. The Black/African American protected tester received no follow-up communication whatsoever. With only six (6) race tests conducted throughout Washington County, jurisdictions should be concerned that this test represented nearly seventeen percent (17%) of the race tests conducted under this contract.

NATIONAL ORIGIN

Of the thirty-five (35) tests conducted by FHCO, ten (10) focused on National Origin as a protected class. FHCO's Enforcement Team determined that two (2 total: 1 Hillsboro; 1 Washington County) out of these ten (10) tests were positive for different treatment. Further, four (4 total: 3 Washington County; 1 Beaverton) out of these ten (10) tests were negative for different treatment. Lastly, four (4 total: 2 Beaverton; 1 Hillsboro; 1 Washington County) out of these ten (10) were deemed inconclusive.

The results demonstrated that a tester with a discernible Hispanic accent was told that a Social Security Number is required to rent and that federal ITIN numbers are not accepted as a substitute. Our agency generally views *policies* that restrict admission into housing based on the need to provide Social Security Numbers, without any additional pathway for the prospective renter, as an egregious impediment to equitable housing. Federal case law demonstrates that policies such as this pose a disparate impact on National Origin as a protected class.¹

In addition, other results showed a Caucasian comparative tester was offered information on several more available units than a Hispanic protected tester (Misrepresentation of Availability). Moreover, a Hispanic protected tester was told that

¹ Giron de Reyes v. Waples Mobile Home Park LP, No. 17-1723 (4th Cir. 2018).

they needed to come in-person to submit an application while the Caucasian comparative tester was told they had the option of applying online or in-person.

Two (2) out of ten (10) tests conducted under this contract were found to be positive for different treatment on the basis of National Origin (20%). This is significant for several reasons: First, a finding involved an entity that refused to rent to a Hispanic individual due to their lack of Social Security Number. Critically, the refusal to rent occurred despite the fact that the Hispanic Protected Tester offered to provide an alternate IRS sanctioned ITIN number for screening purposes. Second, testing results revived concerns that refusal to rent, misrepresentation of availability, and different terms and conditions remain a problem in Washington County's housing market and should be addressed.

DISABILITY

Of the thirty-five (35) tests conducted by FHCO, eight (8) focused on disability as a protected class. FHCO's Enforcement Team determined that two (2 total: 1 Beaverton; 1 Washington County) out of these eight (8) tests were positive for different treatment on the basis of disability. Six (6) of these eight (8) tests were deemed negative for different treatment on the basis of disability (6 total: 3 Washington County; 2 Hillsboro; 1 Beaverton).

Testing results demonstrated that a protected tester identifying as someone with a disability was told about less availability than a comparative tester. In addition, the Protected Tester identifying as someone with a disability was given a move-in date of four to six weeks later than the comparative tester (Terms and Conditions; Misrepresentation of Availability; Otherwise Deny or Make Housing Unavailable). Similarly, results also demonstrated that a comparative tester was told that there was immediate availability while the tester who identified as being disabled was told that nothing was immediately available and that the only unit they could pursue was weeks out from renting (Misrepresentation of Availability; Otherwise Deny of Make Housing Unavailable).

The results are significant because a disabled individual seeking housing may be deterred or discouraged by the fact that they have to wait a significant amount of time to move in, while a non-disabled person would not be because they were provided a more streamlined timeline. Moreover, the results of the test raise suspicion of refusal to rent to a person living with a disability.

Proposed Solutions and Further Recommendations

Housing discrimination cannot be cured through one-dimensional, short-term solutions. If something as simple as the passage of a law had the ability to end discrimination without further effort, then the problem would have died with the passage of the Fair Housing Act more than 50 years ago. The only effective way to combat illegal housing discrimination is through sustained public investment by local, state, and federal entities in programs that take comprehensive and multi-faceted approaches to enhancing education and strengthening enforcement.

Enhancing Education and Outreach

HOUSING PROVIDERS

Additional investment in education and outreach is critical to informing all stakeholders of their rights as well as responsibilities. Housing providers including property management companies, land and homeowners, developers, leasing agents, and small/independent landlords require enhanced access to resources that enable them to learn about the issue of housing discrimination and update them about innovations in the law. Housing providers who regularly attend anti-discrimination trainings conducted by FHCO often respond by altering business practices and adjusting policies that pose a disparate impact on communities historically discriminated against to make them more equitable. Moreover, housing providers who get training in identifying discriminatory practices are often more proactive about monitoring conduct for problematic behavior. Housing providers should train all new staff on fair housing laws, with refresher courses for all staff annually.

Critically, FHCO currently operates a landlord hotline where housing providers can contact our agency to receive guidance on Fair Housing issues. Many landlords have found this resource to be useful, as they can address potential violations before they occur.

ADVOCATES

Because advocates, including tenant protection agencies, organizers, housing specialists, social workers, and care providers, often serve as a bridge between a housing provider and a consumer, continued education and expansion of resources is necessary in order to promote a healthy and thriving community for all individuals. When advocates are kept abreast of the laws, both on a state and federal level, they can participate in a solution driven discourse that assists in informal resolutions. Additionally, they can serve as navigators and resource providers when an individual expresses concerns of discrimination. FHCO recognizes the strong overlap between

advocates and consumers, and recommends training geared towards their specific concerns.

CONSUMERS

It is equally, if not more, critical that renters and tenants be provided with frequent opportunities to learn about their rights when confronting different treatment in a housing situation. Many instances of illegal discrimination in housing go unreported, thereby allowing the problem to persist without any enforcement or accountability. Tenants deserve the opportunity to access materials and trainings that inform them of their options for self-advocacy and point them towards advocates when seeking enforcement against bad actors.

Monitoring of Housing Market

Education and outreach efforts mean little if there is no entity available to enforce the law. Testing is an essential component to deterring housing discrimination. Similar to the way traffic patrol officers prevent drivers from speeding by maintaining a constant presence on the roads, testing removes the incentive for bad actors to discriminate by making them weary of the fact that illegal conduct comes with consequences. This, in turn, leads housing providers to take proactive measures to train their staff to follow Fair Housing law in order to avoid financial liability and embarrassment.

By considering future testing, Washington County, the City of Beaverton, and the City of Hillsboro can better understand the dynamics of the local housing market. More testing will give jurisdictions the opportunity to dissect the circumstances under which different treatment is most likely to occur by bringing problematic practices to the surface. Additional testing, following the implementation of enhanced education, also allows for jurisdictions to assess progress and inform future policy decisions.

Further Recommendations

To work toward remedying differential treatment of communities of color, those born in or perceived to be born in a country other than the United States, individuals who identify as disabled, and those with alternative sources of income outside of employment, FHCO recommends the additional following actions:

- Enhanced distribution of community resources and trainings specific to the process for accepting public funding and section 8 vouchers. In particular, FHCO feels it is critical to make housing providers aware of their legal obligations around source of income as well as inform tenants of the potential for different treatment.

- More community trainings 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. Trainings should also address generational poverty and how it plays out in housing, including rental history, credit, and criminal history.
- 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. Stakeholders of all types should be informed of why reasonable accommodations are critical in ensuring equal access.
- 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. It is critical for public bodies to look beyond mere rates of adverse differential treatment and better understand the manner in which the different treatment occurs in the housing market place.
- 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 common areas. As evidenced by the results of this audit, protected class testers are frequently provided different information about unit availability, prices, means to apply (online or in person), and other rental terms and conditions.
- 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 should not use the excuse that the testers spoke to different agents. All agents should have the same information and impart the same information to all prospective applicants/tenants.
- Housing providers may want to engage in self-testing of their staff to learn exactly how their staff engages the public, particularly consumers who are members of a protected class.
- Housing providers also should remain particularly aware of potential differential treatment and complaints from current residents who are members of all protected classes. Housing providers should also be monitoring how their staff treats in place tenants who are members of protected classes.

APPENDIX A

Legal Background

Federal fair housing laws prohibit discrimination in housing based on race, color, national origin, religion, gender, familial status, and disability.

Oregon fair housing laws also protect people from discrimination in housing on the basis of their marital status, source of income, sexual orientation, gender identity, and status as a survivor of domestic violence.

The federal Fair Housing Act states that the following activities are illegal based on a person's race, color, religion, sex, national origin, disability or familial status:

- Refuse to sell, rent, negotiate or otherwise make unavailable or deny a dwelling;
- Discriminate in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities;
- Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates discrimination, preference, or limitation; or
- Represent that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact available.

Introduction to Fair Housing Testing

Testing refers to the use of individuals who, without a bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective renters or purchasers to gather information which may indicate whether a housing provider is complying with fair housing laws. Testing is an objective method to compare whether members of a protected class are given different information, services, or treatment than a non-protected class tester, and/or to identify any policies that are not in compliance with fair housing laws.

The courts have consistently determined that testing is a legitimate and lawful activity. In *Zuch v. Hussey* (U.S. 6th Circuit Court of Appeals, 1977), the court stated that, "evidence gathered by a tester may, in many cases, be the only competent evidence available to prove that the defendant has engaged in unlawful conduct." In the landmark case *Havens v. Coleman*, the United States Supreme Court recognized the importance, legality, and power of testing as a mechanism for measuring and correcting discriminatory housing practices.

Fair Housing Audit Testing

Fair housing audit testing helps identify any different treatment and potential illegal acts of housing discrimination, as well as patterns or issues within a region. Housing providers are randomly selected for audit testing within the identified geographic area and for the protected classes selected for the audit. This project sought to test sites in a variety of areas of the city that reflected a sampling of small and independent landlords, large professional management companies, and a variety of types of units.

Purpose of Audit

The goal of this fair housing audit was to identify potential illegal discrimination on the basis of source of income, race, national origin, and disability in rental housing in Washington County, the City of Beaverton, and the City of Hillsboro. Results are analyzed to identify issues of different treatment to illuminate market trends of concern, and to identify areas where education might be targeted, and, where evidence is sufficient, enforcement might be conducted so that, ideally, no one will experience illegal housing discrimination in the future. This audit delivers a point in time perspective of the experiences of a typical renter in a particular housing transaction. One test is generally insufficient evidence of discriminatory treatment, however; one test that demonstrates different and/or adverse treatment toward the protected class tester should be considered a red flag to warrant further investigation necessary to examine the consistent practices of the housing provider.

Considerations

This audit was completed during a time when Washington County continues to experience historically low vacancy rates and increasing rental housing costs. These factors contribute to a high demand for housing units. Housing providers can select from a greater pool of applicants, making this a critical time for ensuring all housing applicants have access to housing choice regardless of their protected class. Rising costs and demand can result in displacement of current residents and force compromises in choice of housing location. Housing location determines access to community resources and opportunities, such as proximity to schools, jobs, transportation, healthcare, and other services. Access to these resources and opportunities has a significant impact on social and economic equity.

This audit examined differential information and treatment provided to prospective tenants based on their protected class. If prospective tenants are provided fewer options, higher rental prices, fewer specials or other incentives, told about more screening requirements or other restrictions, or otherwise discouraged from renting, it

limits housing choice in an already tight rental housing market. It is imperative that all residents receive equal treatment and equal opportunity to housing choice.

Limitations

This audit was conducted for Washington County, the City of Beaverton, and the City of Hillsboro. Because of non-representative sample sizes at the census tract level, testing results are analyzed in the aggregate to identify general market trends.

Because most complaints of housing discrimination are from on-going rental transactions and in-place tenants, testing may not always effectively identify discrimination in the terms and conditions of tenancy. Discrimination may occur during the application screening process or at any time during or at the conclusion of tenancy. Because this testing only compares differences at the initial inquiry phase of a prospective tenant's housing search, differential treatment that may occur later in a housing transaction is not measured in this audit. Due to the high demand in the current rental market where a housing provider can select from several qualified applicants, the nature of this testing may be an important consideration when examining the results of this audit, as it may underestimate the prevalence of discriminatory treatment.

Methodology

Fair housing tests in this audit utilized two match-paired testers who received assignments and instructions prepared by FHCO. Test assignments were structured to facilitate an objective analysis of testing results while minimizing external variables and overlapping protected classes. Each match-paired testing team consisted of a protected class tester and a comparative tester who were matched by other relevant characteristics such as age and gender. The match-paired testing team was assigned similar personal characteristics, such as income and household composition to control for qualification variables and enable an objective comparison to ascertain the existence of any differential treatment, also ensuring that subsequent tests would closely replicate the initial test. Each team contacted the site (sometimes including an initial phone contact) and continued until the test coordinator determined that no further contact should be made.

In this audit, test contacts were made over the phone and by in-person onsite visits. Using testers with a discernible "foreign" accent through phone testing is a plausible methodology for testing based on the protected class of national origin as such accents often serves as the cue for differential treatment, and contact by phone often is how the initial contact from a prospective renter is made with a landlord. For testing on the basis of race, onsite visits were conducted. Testing for differential treatment based on the protected classes of race is done in person so as to provide a visual presentation of the

tester's actual or perceived race. Some onsite tests required initial contact by phone to schedule onsite appointments with a leasing agent.

Tests for disability were conducted over the phone and consisted of a protected class member identifying as having a disability and making a reasonable accommodation request. Similarly, source of income tests involved callers identifying one of their sources of income as a Section 8 voucher. Disability and source of income testers identified their protected class status at the beginning of the phone conversation.

The FHCO test coordinator was responsible for overseeing every aspect of the testing process to include the following:

- Establishing the structure of the tests,
- Identifying appropriate sites for testing,
- Selecting the appropriate testers and assigning tester characteristics,
- Determining the timing and sequence of the tests,
- Maintaining communication with the testers before and after completion of the tests,
- Collecting testing forms and other materials from the testers and ensuring that the forms are properly completed,
- Debriefing the testers, and
- Evaluating the tests with overall review by the Enforcement Team at FHCO.