

Fair Housing Testing Testing Outcomes: Familial Status

By Bessie Marie Scott, Testing Coordinator, and Angela Del Grosso-Thompson,
InvestigatorEducator, Fair Housing Center of Washginton

The Fair Housing Act added familial status to its list of protected classes in 1974, to prohibit discrimination in housing transactions against families with children. In addition to prohibiting an outright denial of housing to families with children, the Act also prevents housing providers from imposing any special requirements or conditions on tenants who have children 18 years or younger in their custody. For example, landlords may not locate families with children in one single building of the complex, limit families to first floor units, nor place an unreasonable restriction on the total number of persons who may reside in a dwelling, create rules and regulations that target children, or limit their access to recreational services provided to other tenants.

In most instances, the amended Fair Housing Act prohibits a housing provider from refusing to rent or sell to families with children. However there are some exceptions that include facilities which may be designated as Housing for Older Persons (55 years of age). This type of housing, which meets the standards set forth in the Housing for Older Persons Act (HOPA) of 1995, may operate as "senior" housing. HOPA properties are exempt and legally allowed to exclude families with children.

Testing plays a vital role in enforcing fair housing laws. Many believe that testing is the single most important investigative tool used to document illegal housing discrimination. In testing for housing discrimination, enforcement agencies and fair housing advocates have the ability to enforce fair housing laws by identifying and filing complaints against those who deny individuals access to housing opportunities based on federal, state, and local fair housing laws.

Recently the Fair Housing Center has settled two familial status cases to familial status discrimination. Case Two was settled using testing evidence. The Fair Housing Center conducted familial status testing at two apartment complexes. The testing indicated differences in treatment as outlined below:

Case One

A complaint regarding a property in Wenatchee, WA, indicated that two complainants at the same property were served a notice to vacate because one of the complainants had two children, who were in the unit every other weekend. The Respondent referred the complainants to the lease agreement which stated, "Two-bedroom apartments are designed for occupancy by no more than 3 occupants." This policy seemed overly restrictive, considering the Department of Housing and Urban Development guidance on occupancy standards suggests two per bedroom plus one. Further, the Respondent offered to rescind the notice to vacate if the children did not stay overnight. The complainants vacated the apartments.

Case Two

A complaint regarding a property in Lakewood, WA, indicated that a complainant was issued a 20 day notice to vacate. The complainant alleged that the complex was attempting to convert to an adult only complex. The complainant called the property's rental office and reached the on-site message machine, wherein the message stated that the site is an adult only complex, and that tenants were 45 years of age plus. The complainant believed that she was asked to vacate her unit because she had a 16 year old daughter at the time. Testing showed that families with children were being denied housing opportunities and were being steered to other properties. The familial status tester was informed that the Meadows Apartments is an adult only complex for tenants 45 years old and older. The familial status tester was also informed that the units at the complex did not have doors on the bedroom, thus making it against state law to use the living room as a bedroom.

The Fair Housing Center filed complaints in both cases, with one case including testing evidence detailed above, which indicated discrimination based on familial status. These cases were settled between March 30, 2009 and April 28, 2009, and resulted in monetary compensation which totaled \$ 3,000.00, modification of occupancy standard policy, training of all managers and maintenance staff, and posting of Fair Housing posters.

In closing, it is important to consider the implications regarding the amount of housing discrimination occurring for which there is a lack of complaint and investigation. The importance of testing is apparent, based on a number of factors which result in discriminatory practices that ultimately frustrate efforts to assure equal access to housing for all.