



Legislation Details (With Text)

**File #:** 16-5629 **Name:**  
**Type:** Written Report **Status:** Agenda Ready  
**File created:** 8/29/2016 **In control:** City Council Legislative Meeting  
**On agenda:** 9/27/2016 **Final action:**  
**Title:** Consideration of the Receipt of Results of Fiscal Year 2016 Fair Housing Testing.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 16-5629\_FY2016 Fair Housing Test Summary, 2. 16-5629\_2016 Table Summary of Disability Testing Since 1993

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

City of Alexandria, Virginia

MEMORANDUM

**DATE:** SEPTEMBER 21, 2016  
**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** MARK B. JINKS, CITY MANAGER /s/

**DOCKET TITLE:**

Consideration of the Receipt of Results of Fiscal Year 2016 Fair Housing Testing.

**ISSUE:** Receipt of the results of fair housing tests performed in Fiscal Year 2016 (FY 2016).

**RECOMMENDATION:** That City Council receive the results of fair housing tests for discrimination in rental housing on the basis of disability conducted in FY 2016.

**BACKGROUND:** The Fair Housing Testing Program uses pairs of trained testers to identify evidence of discrimination in the provision of housing by the rental, sales, and mortgage lending industries. The program is administered by the Office of Housing, with review and oversight by the Executive Committee of the Alexandria Human Rights Commission, and tests for discrimination prohibited by the City's Human Rights Ordinance. At its September 12, 2016 meeting the Human Rights Commission's Executive Committee reviewed the FY2016 test results and approved the presentation of the results to City Council.

Federal fair housing law prohibits housing discrimination on the basis of race, color, religion, sex, age, familial status, national origin or handicap. The state fair housing law includes the same protections, and adds elderliness. The City's Human Rights Ordinance adds protection against housing discrimination on the basis of marital status and sexual orientation. Prohibited rental, sales, and lending practices include, but are not limited to, refusal to rent, sell, or negotiate the sale or rental of housing, but also discrimination in the terms, conditions, or privileges of rental or sale, as well as the provision of services or facilities.

Since the Fair Housing Testing Program started in 1990, the Office of Housing has conducted a series of tests annually to identify discriminatory housing practices in real estate sales, lending, and rental housing based on race, national origin, familial status, disability, and sexual orientation. A summary of the test results of all categories tested since the program was initiated in 1990 is attached (Attachment 1). These data allow for comparison of the test results to measure progress in industry compliance with fair housing laws. This information is also helpful in evaluating the effectiveness of City programs, including testing, fair housing education, outreach, and enforcement activities.

**DISCUSSION:** Between April and July 2016, the Office of Housing tested 57 apartment complexes in the City for evidence of discrimination on the basis of disability. Teams of two testers, with one disabled and one non-disabled tester, were sent to complexes seeking to rent a one bedroom apartment. The testers were closely matched in all variables including race, gender and income. However, the disabled testers were assigned a slightly higher income so they were slightly more qualified than the control testers. Testers with disabilities in FY 2016 included persons with a seizure disorder and persons with mobility, visual and/or hearing impairments. Two disabled testers were accompanied by service animals.

Problems which indicated potentially discriminatory practices were identified in two of the complexes tested (3.5% of tests). Both tests involved misunderstanding of requirements to allow service animals. Neither of the complexes indicated concerns during retesting, which was performed by second disabled tester with a service animal.

A summarized illustration of the results of all testing for disability performed since FY 1993 is attached (Attachment 2), the first year that this category of protected class was tested. FY 2016 testing results indicate continued confusion among property management professionals regarding legal requirements to accommodate disabled persons with service animals. Since retests did not identify additional problems, staff recommends that City Council endorse the Office of Housing's plan to discuss test results with the two apartment complexes where problems occurred and to continue to provide fair housing training and future monitoring to ensure continued compliance with fair housing laws. Staff will also continue to evaluate, monitor, and offer fair housing training to housing industry groups, and to conduct fair housing testing to ensure compliance with fair housing laws. Housing will also continue its practice of regular visits to Alexandria rental properties, including new apartment buildings, to ensure that they are aware of the various resources available for landlords and tenants through the Office.

**FISCAL IMPACT:** None.

**ATTACHMENT:**

1. Summary of Fair Housing Testing Results 1990 to 2016
2. Summary of Disability Testing Since 1993

**STAFF:**

Emily A. Baker, Deputy City Manager  
Helen McIlvaine, Director, Office of Housing

Melodie Seau, Division Chief, Landlord Tenant Relations  
Onwuchekwa Okpara, Relocation Advisor, Landlord Tenant Relations