

**Fair Housing Project  
Legal Aid of North Carolina**

Summary of 2019-2020 Fair Housing Testing in Winston-Salem

Introduction

The federal Fair Housing Act, the North Carolina State Fair Housing Act, and the Fair Housing Ordinance of the City of Winston-Salem all prohibit discrimination based on race, color, religion, national origin, sex, disability, and familial status in a variety of residential housing transactions, including the rental of apartments and other dwellings.

In the past, much discrimination was obvious and open, with housing providers advertising or making open statements about their preferences or limitations regarding individuals of a certain race, national origin, or other protected groups. In more recent years, discrimination is more likely to be subtle and hidden, with some providers falsely claiming that units are not available or otherwise discouraging certain applicants rather than overtly expressing a preference or limitation. As a result, many individuals who experience discrimination are unaware of that treatment, as it can be difficult and time consuming for an individual to determine the validity of statements regarding availability, price, etc., when in the midst of a housing search.

Fair housing testing is an investigative tool that can be used to gather evidence in such circumstances. It allows the collection of evidence of housing policies and the treatment of housing consumers to allow a comparison with the treatment of other individuals and/or compliance with the requirements of fair housing and/or other civil rights laws.

Fair housing testing can be conducted in a variety of ways. In a typical matched-pair fair housing test, two trained individuals are sent to visit a housing provider, such as a landlord or property manager, to inquire about the availability of housing. The two individuals are matched on all relevant variables with the exception of the protected class being tested for. For example, in a race-based test, white and Black testers of the same sex, age, income, and family size would contact a provider to inquire about housing availability. As most relevant variables would be the same for the two testers, an inference can be made that if they are treated differently, that difference may be due to the race of the testers.

Legal Aid of North Carolina's Fair Housing Project has been conducting fair housing testing since 2011, using a methodology approved by the U.S. Department of Housing and Urban Development (HUD). LANC has a trained staff with decades of experience in fair housing law, including conducting and overseeing fair housing testing projects. Since 2011, LANC has obtained over \$2.5 million as a result of the settlement of cases brought based on fair housing testing in North Carolina. The Project has conducted testing for a number of municipalities in North Carolina on a contract basis, to assist those entities in affirmatively furthering fair housing.

Testing in Winston-Salem

In 2019-2020, the Fair Housing Project conducted a total of 45 fair housing tests for the City of Winston-Salem. All tests examined the rental markets in the City. These tests were:

- 15 matched-pair tests for race discrimination, comparing the treatment of whites and Blacks;
- 10 matched-pair tests for national origin discrimination, comparing the treatment of whites and Latinos/as;
- 8 matched-pair tests for criminal background screening, comparing the treatment of whites and Blacks;
- 4 matched-pair tests for disability discrimination, comparing the treatment of people with disabilities and people without disabilities; and
- 8 tests for disability discrimination, examining whether housing providers would allow a reasonable accommodation and/or reasonable modification.

The results of these tests were as follows:

Matched-Pair Tests							
Type	Difference in Treatment		No Difference in Treatment		Inconclusive		Total
	#	%	#	%	#	%	
Race	8 <sup>1</sup>	53.3%	4	26.7%	3	20.0%	15
National Origin	3	30.0%	5	50.0%	2	20.0%	10
Criminal Background	1	12.5%	6	75.0%	1	12.5%	8
Disability	2	50.0%	1	25.0%	1	25.0%	4
Total	14	37.8%	16	43.2%	7	18.9%	37

Single Tests							
Type	Did Not Allow RA/RM		Allowed RA/RM		Inconclusive		Total
	#	%	#	%	#	%	
Disability (RA and RM)	2	25.0%	6	75.0%	-	-	8

A result indicating a “difference in treatment” indicates that in some aspect of the interaction, the testers were not treated the same. A test is classified as “inconclusive” where there was either inconsistent treatment of the testers or the difference appeared to be due to reasons other than the protected class being tested.

<sup>1</sup> In 5 of the 8 cases showing a difference in treatment, the white tester was favored over the Black tester. In 3 of the 8 cases showing a difference in treatment, the Black tester was favored over the white tester.

Typically, the Fair Housing Project conducts multiple tests of a provider before making a determination of possible discrimination. This is because in some circumstances, a difference in treatment could be due to non-discriminatory factors. Where multiple testing shows patterns of similar behavior, however, it is much less likely that those other non-discriminatory factors are the cause of the differences in treatment.

6/2020