

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

Summary of 2018 Fair Housing Testing in Winston-Salem

Introduction

The federal Fair Housing Act, as well as the North Carolina State Fair Housing Act, prohibits discrimination based on race, color, religion, national origin, sex, disability, and familial status in rental, sales, mortgage lending, and insurance markets.

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 group. 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, treatment, and/or practices to compare with the requirements of fair housing law and/or other civil rights laws.

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, a white and an African American tester 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 is 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 2018, the Fair Housing Project conducted a total of 24 fair housing tests for the City of Winston-Salem. All tests examined the rental markets in the City. These tests were:

- 8 tests for race discrimination, comparing the treatment of whites and African Americans;
- 8 tests for national origin discrimination, comparing the treatment of whites and Latinos/as; 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	5	2	1	8
National Origin	4	1	3	8
Total	9	3	4	16

Single Tests				
Type	Did Not Allow RA/RM	Allowed RA/RM	Inconclusive	Total
Disability (RA and RM)	2	6		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.

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.