



Equal Rights Center’s Testimony Regarding the Performance of the DC Office of Attorney General

Testimony Submitted Online on March 4, 2024

The Equal Rights Center (ERC) is a civil rights organization that identifies and seeks to eliminate unlawful and unfair discrimination in housing, employment, and public accommodations in its home community of Greater Washington, D.C. and nationwide. For many years, the ERC has conducted intakes with District residents who are alleging housing discrimination, investigated individual claims and systemic forms of housing discrimination, pursued enforcement of the Fair Housing Act and the DC Human Rights Act (DCHRA) as needed, and conducted education and outreach about fair housing protections and requirements. The ERC appreciates the opportunity to provide testimony for the performance oversight hearing of the Office of Attorney General (OAG).

Over the last few years, the Equal Rights Center has worked closely with the OAG, especially as part of our efforts to combat rampant source of income discrimination in the District. Fighting discrimination against housing voucher holders is critical to desegregating the city. While Black people constitute 48 percent of the city’s population,¹ over 90 percent of voucher holders in DC are Black.² These demographics are inextricably linked to a long history of housing policies that fostered wealth building for white families in neighborhoods rich with opportunity and that often pushed Black families into exploitative, substandard rental housing in neighborhoods starved of resources. As a result, a landlord’s denial of a housing voucher is 71 times more likely to exclude Black renters than white renters in the District.³ As such, discrimination against housing voucher holders in D.C. is tantamount to race discrimination.

The ERC appreciates the OAG’s strong enforcement of the DC Human Rights Act, which is playing a critical role in stamping out systemic discrimination and promoting fair housing in the city. In 2018, the ERC identified about 130 advertisements in DC with likely discriminatory language based on source of income, such as “No vouchers accepted” and “no section 8.” The ERC brought its concerns about rampant discriminatory advertising based on source of income to the OAG’s Civil Rights Section. As a result of these conversations, the OAG announced lawsuits against 16 real estate companies and professionals engaged in illegal source of income

¹ United States Census Bureau, “American Fact Finder,” factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk.

² US Department of Housing and Urban Development, “Picture of Subsidized Households,” www.huduser.gov/portal/datasets/assthsg.html.

³ *The Equal Rights Center v. The Lenkin Company Management Inc. et al*, Complaint, 21 Apr. 2017, equalrightscenter.org/wp-content/uploads/lenkin-complaint.pdf.

discrimination, including the publication of discriminatory advertising.⁴ The OAG has also partnered with rental websites, including Apartments.com⁵ and Zillow,⁶ to prevent ads with discriminatory language based on source of income from being posted on these platforms. This resulted in a dramatic decrease in the number of advertisements posted for properties in the District containing discriminatory language against housing voucher holders.

In October 2022, the OAG announced a \$10 million civil penalty—the largest civil penalty in a housing discrimination case in US history—as part of a landmark settlement agreement with Daro.⁷ The OAG had sued Daro in 2020, alleging that the property management company had illegally charged Housing Choice Voucher holders extra fees and posted discriminatory housing advertisements. As part of the settlement, the company also agreed to permanently stop managing residential properties in the District and the company’s president forfeited her DC real estate license. OAG's ability and willingness to secure such impactful relief through this single agreement will likely have positive ripple effects throughout the community when it comes to stamping out illegal source of income discrimination in the city.

In December 2023, the Equal Rights Center (ERC) and OAG reached a settlement in a lawsuit against Adams Investment Group et al. regarding alleged source of income discrimination. The complaint was based on a civil rights testing investigation conducted by the ERC that uncovered Defendants’ alleged refusal to accept vouchers at Adams View Apartments. The lawsuit also alleged that a refusal to rent to housing voucher holders constituted race-based discrimination under a disparate impact analysis because Black renters in the District are significantly more likely to use a voucher than white renters. The ERC was pleased to have the OAG demonstrate its priority to enforce protections against source of income discrimination by intervening in this lawsuit.

As part of the three-year agreement, Defendants Adam’s Investment Group et al. agreed to make a \$235,000 monetary payment to the ERC and the District for damages, attorneys’ fees, and a civil penalty. Defendants are also prohibited from discriminating based on source of income and all Defendants operating properties in the D.C. area will attend annual fair housing training. Defendants Barkan and Entrata will also conduct 20 compliance tests to ascertain the treatment afforded potential renters with vouchers.

Lastly, the ERC has also worked collaboratively with the OAG regarding multiple ERC clients whose fair housing complaints have been referred to the OAG after receiving Probable Cause findings at the Office of Human Rights (OHR). After OHR issues a Probable Cause finding, any party to the complaint can elect to remove the complaint to D.C. Superior Court. The ERC has

⁴ “AG Racine Sues 16 Real Estate Companies and Professionals for Illegal Housing Discrimination Against District Voucher Holders,” 23 July 2020, oag.dc.gov/release/ag-racine-sues-16-real-estate-companies-and

⁵ “AG Racine and Apartments.com Announce New Effort to Fight Housing Discrimination in Online Rental Listings,” 30 Oct. 2019, oag.dc.gov/release/ag-racine-and-apartmentscom-announce-new-effort.

⁶ “AG Racine and Zillow Partner to Target Discriminatory Online Housing Listings,” 20 Nov. 2019, oag.dc.gov/release/ag-racine-and-zillow-partner-target-discriminatory.

⁷ “AG Racine Announces Largest Civil Penalty in a Housing Discrimination Case in U.S. History,” 20 Oct. 2022, oag.dc.gov/release/ag-racine-announces-largest-civil-penalty-housing

appreciated OAG's advocacy and cooperation for referred fair housing complaints where the ERC is serving as the Complainant's non-attorney representative. The ERC specifically commends the Office's use of shuttle diplomacy during mediation of complaints, instead of requiring in-person or virtual attendance. This creates a less stressful environment for Complainants than direct interactions with Respondents. It also reduces the burden to participate for Complainants who may be experiencing housing instability, do not have paid time off, lack affordable childcare, and/or who do not have easy access to transportation.

Nevertheless, the ERC would encourage OAG to reduce the time allowed for a party to respond to a settlement offer. Some Respondents in the mediation process have taken months to respond to a settlement proposal in what appeared to be a delay tactic intended to discourage Complainants from proceeding with their complaints. In FY2023, two ERC clients' cases languished in the pre-litigation mediation stage for more than six months due to unreasonable delays by Respondent. Setting stricter deadlines would ensure that cases proceed in a timely manner, which is all the more important given most Complainants have already spent at least two or more years in the administrative complaint process by the time OHR refers their case to the OAG.

Addressing deeply entrenched housing segregation requires sustained, dedicated action by DC government to enforce local residents' fair housing rights. We appreciate the commitment and leadership shown by the OAG to hold entities who discriminate accountable for their actions and showcase the District's commitment to fair housing. The OAG continues to play a critical role in pursuing civil rights enforcement and furthering fair housing in the District. We look forward to continuing to collaborate with the OAG as they continue to pursue enforcement of the District's fair housing laws.