

Will You Take My Voucher?:

An update on Housing Choice Voucher
discrimination in the District of Columbia





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The Equal Rights Center (ERC) is a national non-profit civil rights organization dedicated to promoting equal opportunity in housing, employment, and access to public accommodations and government services. With nearly 6,000 members across the country, the ERC has worked for 30 years to identify, address and remedy both individual instances of discrimination, as well as large-scale, systematic discrimination nationwide. The ERC collaborates with government agencies, allied civil rights organizations, as well as housing, retail, and restaurant industry leaders; provides training and advice to individuals and entities; and advocates on behalf of people who have experienced discrimination.



Executive Summary

Currently assisting more than two million American families, the Housing Choice Voucher Program is the largest federal housing subsidy program. The Housing Choice Voucher Program allows qualifying families to obtain market-rate housing in locations of their choice. Because vouchers are “portable,” such that voucher holders can move with their vouchers to any jurisdiction in the country that has a Housing Choice Voucher Program, they allow families to move into neighborhoods close to jobs, better schools, and necessary services, and promote greater diversity with respect to race, ethnicity, and socioeconomic status in desirable communities. In the District of Columbia, and other jurisdictions nationwide, it is illegal to refuse to accept a Housing Choice Voucher as payment by a tenant.

For nearly a decade, the ERC has monitored landlords and rental management agents in the nation’s capital to determine their compliance with source of income protections, and has worked to end discrimination against voucher holders.

In 2005, following a ground-breaking testing investigation, the ERC published a report that documented a staggering 61 percent rate of discrimination against voucher holders in the District.

In 2010, after five years of targeted education, outreach, and advocacy, the ERC conducted a second testing investigation, which revealed that, although compliance with source of income protections had improved dramatically, 45 percent of people seeking to rent housing in the District with a Housing Choice Voucher continued to face some type of discrimination.¹

This update, based on source of income testing conducted by the ERC between July 2011 and January 2013, confirms that the ERC’s education and outreach efforts continue to bear fruit, but that discrimination against voucher holders persists. **In the most recent testing, voucher holders were subject to discrimination 28 percent of the time.** While much improved, continued education and advocacy is needed to address the more than 1 out of 4 voucher holders who still experience some form of discrimination.

The fact that the rate of source of income discrimination in the District has decreased by more than 50 percent in less than 10 years provides some confirmation that continued education, outreach and monitoring may one day create an environment where voucher holders can move into safe and affordable housing anywhere in the District without facing discrimination.

¹ In its nearly 10 years of source of income work, the ERC has reached agreements with more than 35 landlords and property managers, opening more than 17,500 apartment units in the greater Washington, D.C. metropolitan area to voucher holders. The ERC has also conducted numerous outreach events and educated thousands of individuals on the rights and responsibilities of voucher holders under the District’s source of income protections.



The Housing Choice Voucher Program

The Housing Choice Voucher Program is the nation's largest federal housing subsidy program, assisting more than 2 million American families each year.² Administered by the U.S. Department of Housing and Urban Development (HUD) in conjunction with local housing authorities, the Housing Choice Voucher Program helps very low-income families, the elderly, and people with disabilities to afford decent, safe, and sanitary housing in the private market.³ Without these vouchers, many families and individuals would be forced to pay more than half their income toward rent, or be forced to live in unsafe or overcrowded housing, in shelters or on the streets.⁴

Under the Housing Choice Voucher Program, low-income households receive a voucher through their local public housing authority. A voucher represents a direct payment from the housing authority to the landlord for all or a portion of a tenant's monthly rent. A key aspect of the Housing Choice Voucher Program is the "portable" nature of a voucher, which allows voucher holders to use their vouchers in any area they might choose--promoting diversity with respect to race, ethnicity, and socioeconomic status, and allowing access to a wider range of jobs, schools, and services than they would have without a voucher.⁵

² HUD's Resident Characteristics Report. Available at <https://pic.hud.gov>, accessed February 26, 2013, shows 2,403,835 voucher units under contract between HUD and program administrators.

³ See HUD's, Housing Choice Voucher Fact Sheet. Available at http://www.hud.gov/offices/pih/programs/hcv/about/fact_sheet.cfm.

⁴ HUD, Office of Policy Development and Research, "Affordable Housing Needs 2005: Report to Congress," (2007).

⁵ Martha M. Galvez, "What Do We Know About Housing Choice Voucher Program Location Outcomes?" (August 2010). Available at: <http://www.urban.org/UploadedPDF/412218-housing-choice-voucher.pdf>; See also Austin Turner, Margery. Popkin, Susan J. Rawlings, Lynette, "Public Housing and the Legacy of Segregation" at 79 – Moving to Neighborhoods of Opportu-

Although voucher holders are not restricted as to where they may seek housing within their jurisdiction, a voucher expires if not used within a strictly limited time period.⁶ If a voucher holder is unable to use a voucher within the allotted time, the voucher expires and the voucher holder must go to the end of the waiting list to obtain a new voucher.⁷

As of January 2013, the D.C. Housing Authority reported nearly 70,000 families and individuals on the current wait list⁸ for the approximately 11,000 vouchers available.⁹ With an average wait time of 22 years for a two-bedroom apartment, and 43 years for a studio apartment,¹⁰ in January 2013, the D.C. Housing Authority issued an official notice advising that **the District's wait list will close on April 12, 2013.**¹¹

With the wait list closing this year, the ability to secure housing for District families using vouchers becomes even more critical. If discrimination prevents a family from securing housing in the allotted time, they essentially will be left out of the Housing Choice Voucher Program altogether.

nity: Overcoming Segregation and Discrimination in Today's Housing Markets.

⁶ Voucher holders in the District have up to 180 days to use vouchers (an initial 60 day period and up to 120 days in extensions). Data provided by: D.C. Housing Authority's Dena Michaelson, Director Public Affairs and Communications, April 2011.

⁷ Baran, Madeleine, The New Standard, "Economic Hardship Causing Drastic Increase in U.S. Homelessness." (September 12, 2004). Available at <http://newstandardnews.net/content/index.cfm/items/978>

⁸ Data provided by: D.C. Housing Authority at, <http://www.dchousing.org/default.aspx?docid=201302131043419211>

⁹ Wheeler, Candace, The Washington Post, "For many, D.C. housing waiting list offers little more than hope." (November 4, 2012). Available at: http://articles.washingtonpost.com/2012-11-04/local/35506305_1_list-new-families-applicants

¹⁰ *Id.*

¹¹ Data provided by: D.C. Housing Authority at, <http://www.dchousing.org/default.aspx?docid=201302131043419211>



Protections for Voucher Holders

Discrimination against voucher holders can have a profoundly adverse effect on the housing choices that are available to them, and can perpetuate patterns of racial, ethnic, and economic segregation.¹² While not protected at the federal level, discrimination against voucher holders is prohibited by civil rights laws in more than 13 states and in 30 local jurisdictions, including the District and several Maryland counties.¹³ In the District, housing discrimination based on a person's "source of income," including Housing Choice Vouchers, has been prohibited under the D.C. Human Rights Act (D.C. Code 2-1401.02 (29)) since 1977.¹⁴

In addition to violating source of income protections, discrimination against voucher holders is sometimes viewed as racial discrimination because of the disproportionate and adverse impact that discrimination against voucher holders has on African Americans. In February 2013, HUD released a rule detailing the Fair Housing Act's (FHA) 'discriminatory effects' standard,¹⁵ and specifying a three-step, burden-shifting approach to prove an FHA violation based on the discriminatory effect (or "disparate impact") of a facially neutral policy or practice. According to HUD, 62 percent of voucher holders nationwide are designated as racial minorities.¹⁶ In the District, while African-Americans represent only 50.7 percent of the total population, more than 90 percent of voucher holders are designated as racial minorities, with the vast majority identifying as African American.¹⁷ As a result, discrimination against voucher holders, especially in the District, results in a significantly disproportionate adverse impact on African-Americans.¹⁸

¹² See Poverty & Race Research Action Council, "Keeping the Promise: Preserving and Enhancing Housing Mobility in the Section 8 Housing Choice Voucher Program." Available at <http://www.prrac.org/pdf/AppendixB-Feb2010.pdf>

¹³ *Id.*

¹⁴ Even in jurisdictions without source of income protections, landlords participating in the federal Low-Income Housing Tax Credit Program, which provides tax incentives to investors who develop low-income housing, are prohibited from discriminating against potential tenants because they have Housing Choice Vouchers. See, e.g., 26 CFR § 1.42-5.

¹⁵ U.S. Department of Housing and Urban Development, 24 CFR Part 100, Implementation of the Fair Housing Act's Discriminatory Effects Standard Final Rule. Available at <http://portal.hud.gov/hudportal/documents/huddoc?id=discriminatoryeffectrule.pdf>

¹⁶ See HUD, "A Picture of Subsidized Households-2008." Available at <http://www.huduser.org/portal/picture2008/index.html>.

¹⁷ See D.C. Department of Housing and Community Development, "District of Columbia Analysis of Impediments to Fair Housing Choice 2006-2011." 2012. Available at http://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/DC_AI_2012_-_FINAL.pdf.

¹⁸ U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits, Consolidated Federal Funds Report, 2013.



The ERC's Source of Income Initiative

In 2005, the ERC first conducted a survey investigation of 100 rental properties in the District to study the extent of discrimination against voucher holders seeking rental housing. Trained ERC testers, posing as voucher holders, gathered information about the policies and practices of housing providers with respect to their acceptance of vouchers. A report on this investigation, *In Search of Decent Housing in the D.C. Metropolitan Area: The Affordable Housing Crisis for Section 8 Voucher Holders*, identified a **61 percent rate of discrimination against voucher holders**—including a 26 percent rate of outright refusals of their vouchers, and a 35 percent rate of encountering limitations that would bar most voucher holders from renting available units.¹⁹

In a follow up study five years later, using testing methodology consistent with its 2005 study, the ERC tested 91 rental properties in all four quadrants of the District.²⁰ In the report, *Still in Search of Decent Housing: A Five Year Reflection on Discrimination Against Housing Choice Voucher Holders in the District of Columbia*, the ERC found that **45 percent of people seeking to rent housing using a voucher continued to face discrimination**—with 15 percent being met by outright refusals to accept vouchers, and another 30 percent faced with some kind of discriminatory barrier to the use of vouchers.²¹

¹⁹ The full text of this report is available at: <http://www.equalrightscenter.org/site/DocServer/Report.pdf?docID=154>.

²⁰ As in 2005, the 2010 study defined “discriminatory treatment” as: (1) the refusal to accept housing vouchers, (2) limiting the use of vouchers, (3) providing different terms and conditions for voucher holders than for non-voucher holder applicants, or (4) imposing requirements that would effectively bar most voucher holders looking for rental housing.

²¹ The full text of this report is available at: http://www.equalrightscenter.org/site/DocServer/Still_In_Search_of_Decent_Housing.pdf?docID=361.

In the nearly 10 years since the ERC's initiative began, the ERC has engaged in a concerted campaign to remedy the effects of past source of income discrimination, and to prevent future discrimination. The ERC has trained thousands of individuals, ensured that more than 17,500 apartments were opened to voucher holders, and reached hundreds of thousands through public education and media outreach.

The ERC's initiative utilized a multifaceted approach, including:

- Collaborating with the D.C. Office of Human Rights in education and outreach efforts;
- Negotiating agreements with more than 30 landlords to make more than 17,500 apartment units available to voucher holders;
- Leading scores of events informing voucher holders about the protections available to them;
- Publishing news articles and conducting media interviews discussing the problem of source of income discrimination and highlighting the local protections available; and
- Where necessary, initiating enforcement actions to ensure compliance with civil rights laws.
- Conducting fair housing training courses for landlords and property managers to educate them about their responsibilities under the civil rights laws;
- Providing a network of housing counseling providers with information about rental units available to voucher holders;





Testing Methodology and Latest Results

From July 2011 to January 2013, the ERC conducted 90 phone tests of housing providers in all four quadrants of the District representing a variety of rental properties ranging from large and small apartment complexes to base-ment apartments in row houses.

The ERC identified available rental units through searches of online and printed classified advertisements. Using the voucher payment standards set by the D.C. Housing Authority for efficiencies, one, and two bedroom apart-ments, the ERC compiled a list of testable properties throughout the District.

Using the telephone, trained ERC testers contacted each property selected for testing. Testers were provided with detailed profiles including personal and financial characteristics designed to realistically reflect a voucher holder in Washington, D.C. Testers were also provided a list of questions to ask the housing provider so that the ERC could assess the treatment of potential renters using vouchers.

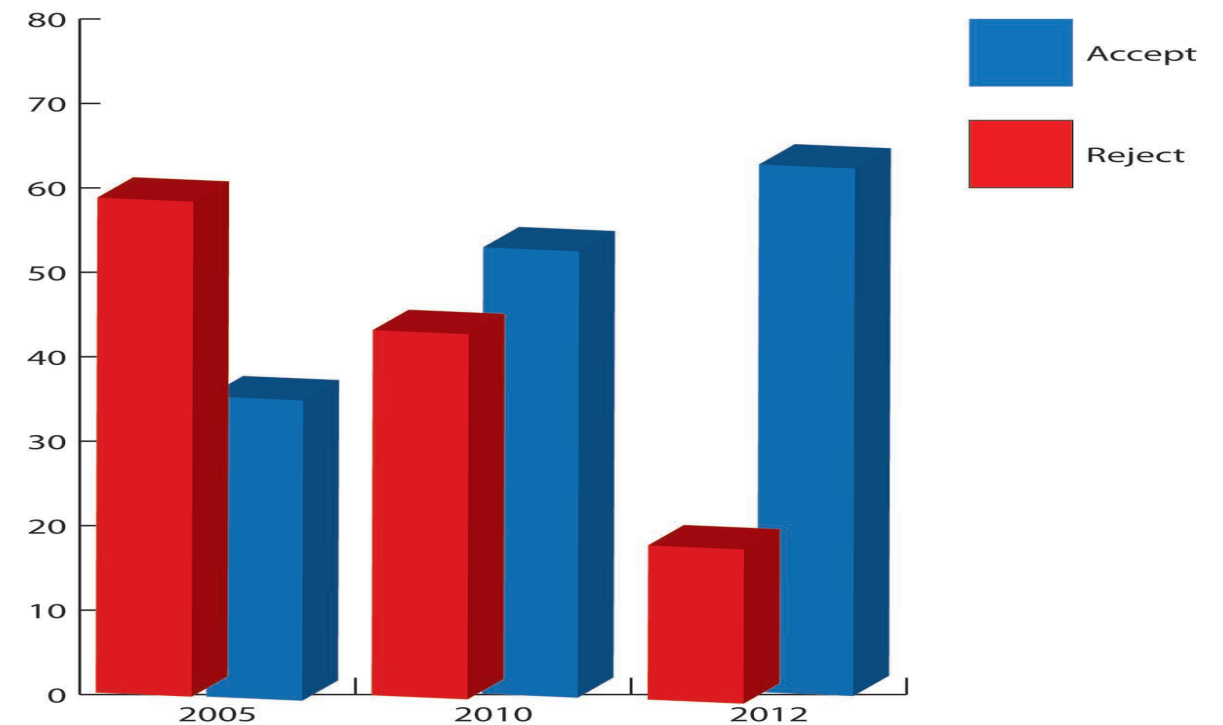
This testing investigation revealed that **28 percent of the time (25 out of 90 tests) voucher holders were subjected to some form of discriminatory treatment**—outright refusal to accept vouchers, limiting the use of the voucher, imposing different terms or conditions for voucher holders, or imposing limitations that would effectively bar voucher holders from obtaining the housing.

Testing results included:

- **21 percent (19 out of 90) of the landlords or property managers outright refusing to accept Housing Choice Vouchers;** and
- **7 percent (6 out of 90) of property managers stating that they were unsure of what a voucher was, or they were unsure if they accepted vouchers and failing to follow up with the tester when requested.**

Although there was a notable decrease in overall discrimination documented from the 2005 (61 percent) and 2010 (45 percent) testing, **the rate of outright refusals increased from 15 percent (14 out of 91 tests) in 2010, to 21 percent (19 out of 90 tests) in the most recent study.**

Percentage of Landlords/Management Companies Accepting Housing Choice Vouchers By Year



Racial and socioeconomic segregation has been, and continues to be, a concern in the D.C. housing market. Even today African American's comprise 93 percent of the population in the District's southeast quadrant, while repre-senting only 50.7 percent of the District's population as a whole. While one goal of the Housing Choice Voucher Program is to promote diversity with respect to race, ethnicity, and socioeconomic status, 58 percent of vouchers are still being used in significantly segregated African-American neighborhoods.



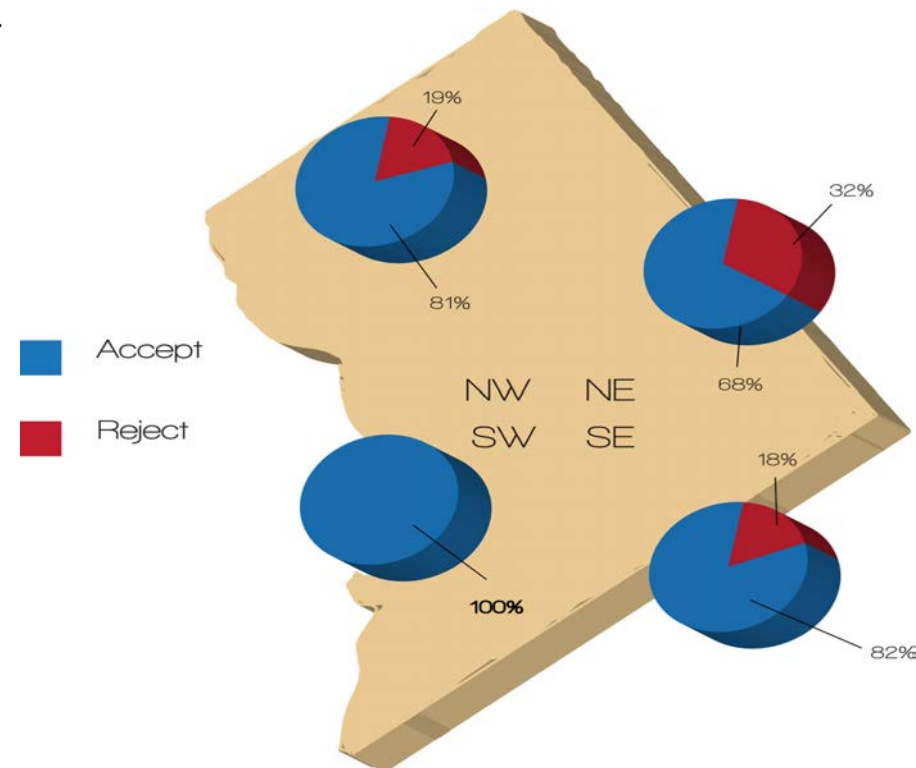
While the ERC's most recent study does not provide sufficient data to draw broad conclusions based on geographic dispersion, it does provide anecdotal evidence of discrimination against voucher holders in various areas within the District, including:

- **36 percent (8 out of 22)** of housing providers tested in Northeast engaged in at least one form of discriminatory treatment;
- **28 percent (10 out of 36)** of housing providers tested in Northwest engaged in at least one form of discriminatory treatment;
- **25 percent (7 out of 28)** of housing providers tested in Southeast engaged in at least one form of discriminatory treatment; and
- **All of the housing providers tested in Southwest were found to accept Housing Choice Vouchers.**

This study also identified more localized concerns:

- **57 percent (4 out of 7)** of housing providers that did not accept housing vouchers in Northeast were located in the Trinidad and Capitol Hill/Lincoln Park neighborhoods (20002 zip code).
- **36 percent (4 out of 11)** of the housing providers that did not accept vouchers in Northwest were located in the Brightwood neighborhood (20011 zip code).
- **67 percent (4 out of 6)** of the housing providers that did not accept vouchers in Southeast were located in the Congress Heights and Washington Highlands neighborhoods (20032 zip code) and the Fairlawn and Anacostia neighborhoods (20020 zip code).

Comparison of Landlords/Management Companies Accepting Housing Choice Vouchers by Quadrants of the District of Columbia



Conclusion

While the ERC's testing suggests that the prevalence of source of income discrimination in the District has decreased in the past 10 years, there remains significant room for improvement.

Fair housing advocates and the District government must continue to educate both the public and the housing industry on source of income protections in the District, and must remain vigilant in monitoring compliance with the District's anti-discrimination laws.

The ERC will continue to work to eradicate this form of discrimination with the hope that such a concerted effort will ensure that, someday soon, all voucher holders will be able to live in the home of their choice anywhere in the District without being subjected to discrimination.