

Year One Summary

Introduction

As set out in the 2015 Connecticut Analysis of Impediments to Fair Housing Choice¹ (“the 2015 Connecticut AI”), the 2014 Fair Housing and Equity Assessment of the Sustainable Knowledge Corridor² (“Sustainable Knowledge Corridor FHEA”), as well as the Center’s recently released report on its systemic testing projects “Where Can We Go From Here: The Results of Three Years of Fair Housing Testing in Connecticut”³ (“Center testing report”), discrimination based on race, national origin, disability and sex (gender identity) prevents Connecticut residents from accessing the housing of their choice.

To address the issues raised by the reports cited above, the Center used its PEI-MYF grant to accept and investigate fair housing complaints, perform fair housing testing, and provide legal representation to people who believe they have been the victims of housing discrimination. To continue and expand its investigations into the role race and national origin play in Connecticut’s real estate rental market, the organization also worked on three systemic rental testing projects. In addition, the Center examined insurance practices to determine if habitational insurance policies have a disparate impact on tenants of color by testing insurance companies who may be illegally refusing to write policies for landlords who rent to tenants with housing subsidies. Finally, the Center expanded and extended its gender identity testing project to include emergency shelters and the emergency shelter system to determine if people who are transgender are able to access the shelter that matches their gender identity.⁴

Summary of Accomplishments, Year 1

- Received 1,624 inquiries more than 5 times the number the Center expected to receive;
- Completed intakes and investigated 684 complaints of housing discrimination more than 3 times the number the Center expected to receive;
- Counseled 231 households on their fair housing rights more than 7 times the number the Center expected to counsel;
- Recruited and trained 18 new fair housing testers;
- Filed 11 new complaints for the victims of housing discrimination including 10 cases with HUD and the CHRO;
- Trained 295 shelter workers and homeless advocates on the rights of transgender individuals in shelters, more than 13 times more people trained than originally promised;
- Obtained relief for 57 households more than 6 times the number the Center expected to resolve;
- Collected more than \$640,000 in reduced rent, damages, and attorneys’ fees for the victims of housing discrimination;
- Opened up more than 5,000 units of housing previously denied to people in the protected classes.

¹ http://www.ct.gov/doh/lib/doh/analysis_of_impediments_2015.pdf (“the 2015 Connecticut AI”).

² <http://www.ctfairhousing.org/wp-content/uploads/FHEA-11-19-14-Final-Report.pdf> (“The Sustainable Knowledge Corridor FHEA”).

³ <http://www.ctfairhousing.org/guides-and-reports> (“Center testing report”).

⁴ The Center recognizes that sexual orientation is not a federally protected class. However, the Center will investigate these cases to determine if there is *sex discrimination*, a class protected under the federal law.

Summary of Complaints Received

As the only full service fair housing organization in the State, the Center's fair housing services play a critical role in promoting integration and combating housing discrimination. More than 60% of all fair housing complaints in the State are made to the Center.⁵ In addition, the Center's attorneys have played an important role in enforcing and expanding the fair housing laws. In its recently completed three-year PEI-MYFC, the Center collected more than \$1.9 million in damages and attorneys' fees for the victims of housing discrimination while at the same time using the laws to reverse discriminatory policies that had a disparate impact on families with children, people of color wishing to move to communities with disproportionately high White populations, and landlords renting to people with housing choice vouchers. In addition, the Center opened up more than 2,000 units of housing formerly denied to members of the protected classes and reached more than 1,000 Connecticut residents by teaching classes on the fair housing laws to housing consumers.

Figure 1: Complaints Received in 2016

Protected Class	Number	% of Total
Race	40	5%
National Origin	18	2%
Sex/Gender	6	.89%
Religion	1	.15%
Familial status	39	5%
Disability status	322	49%
Source of income	112	18%
Other State protected classes	132	20%
Total	670	100%

The number of fair housing complaints received in 2016 increased by 43% over the number received in 2015. The protected class with the highest increase in complaints was disability with a 32% increase in the number of complaints received in 2016 over 2015. The reason for the increase in the total number of complaints received may result from an increase in education and outreach activities by the Center's staff. In 2016, staff reached more than 5,500 Connecticut residents by giving classes on the fair housing laws and appearing at outreach events like fairs and festivals. In addition, the Center distributed more than 7,000 copies of its Moving Forward Guide in English and Spanish. The Guide gives people who are looking for rental housing information about the fair housing laws, how to recognized discrimination, and what to do if someone thinks they are the victim of housing discrimination. A copy of the guide can be found [here](#). By advertising the existence of the guide and the Center's fair housing services through the use of PSAs as well as on social media, the Center is much better known throughout the state.

⁵ 2015 Connecticut AI at 31.

Summary of Tests Conducted in 2016

Complaint-based testing

Figure 2: Summary of Complaint-Based Tests

Protected Class	Number of Test Parts	Outcomes					
		Supports		Does not Support		Inconclusive	
Race	13	4	31%	6	46%	3	23%
National Origin	13	2	15%	1	8%	10	77%
Familial status	9	3	33%	3	33%	3	33%
Disability	6	1	17%	3	50%	2	33%
Totals	41	10	24%	13	32%	18	44%

The Center projected that it would complete 80 test parts when it applied for funding. However, during 2016, the Center received high numbers of complaints based on disability and source of income. Most of the disability complaints were from complainants who needed reasonable accommodations or reasonable modifications, complaints which could not be tested. In addition, the Center conducted a high number of source of income tests, a protected class under Connecticut law. These were not counted as part of the work done under this grant. The Center's staff recently met to discuss how to increase the number of complaint-based tests on federally protected classes. Staff agreed to test many of the source of income complaints for race and national origin discrimination since testing projects completed under earlier grants have revealed that refusal to accept a housing voucher may be a proxy for discrimination based on race, national origin or disability.

Completion of four systemic testing projects

As stated in the 2015 Connecticut AI, 71% of Connecticut's population is White, 13% is Latino, and 8% is African-American. Yet the State is highly segregated with 67% of the State's population of color living in 8% of Connecticut's towns.⁶

Discrimination against African-Americans and Latinos can be subtle. Of the more than 600 calls the Center received during 2016 from Connecticut residents alleging discrimination, only 5% allege discrimination based on race while 2% allege discrimination based on national origin. Yet the Center's recently released testing report shows high rates of less favorable treatment of African Americans and Latinos.⁷

Systemic Race Testing

To address some of the underlying contributors to Connecticut's continuing patterns of segregation, the Center expanded its systemic race and national origin testing program.

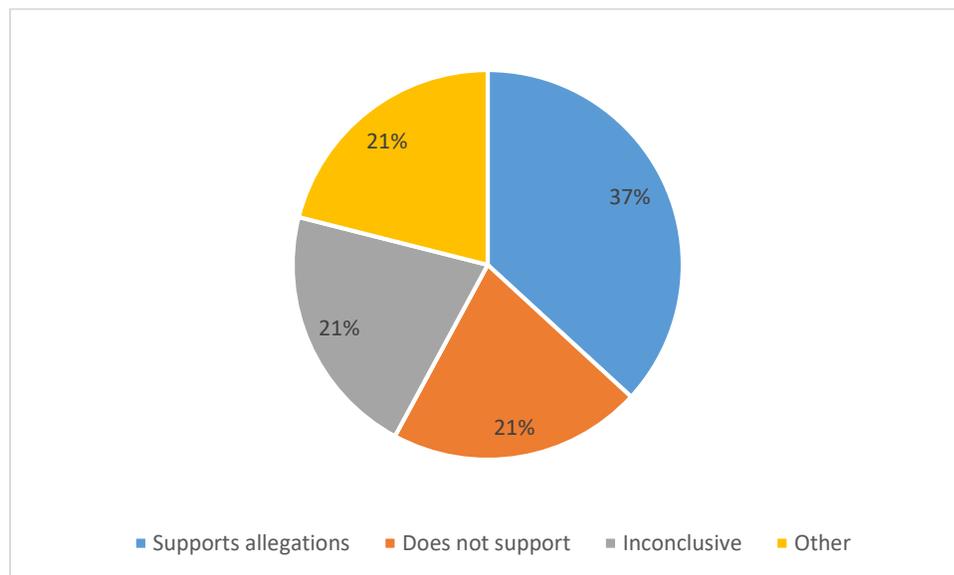
First, the race rental testing project examined whether municipalities with disproportionately high numbers of police stops of African-Americans also show hostility toward African-Americans in the

⁶ Connecticut AI at 74 – 75.

⁷ Connecticut testing report at 6.

housing market. A recently released report found that in 29 Connecticut municipalities, police officers stopped African-Americans at a higher rate than the state average with 11 towns exceeding the state average by more than 10%.⁸ The Center focused its race rental testing on the towns that exceeded the state average. The Center's testing methodology included site visits for all of the race tests to ensure that the housing provider knew the tester was African-American.

Figure 3: Results of Race Testing



Only 21% of the race testing in municipalities with disproportionately high numbers of police stops of African-Americans showed no differential treatment. This is contrasted with the complaint-based race testing done which showed no differential treatment 46% of time. In addition, whereas only 31% of complaint-based race tests show discrimination, 37% of the tests in municipalities with disproportionately high numbers of police stops of African-Americans show differential treatment. Differences in treatment included the African-American tester being told that the rent was \$1,500 during her site visit, \$300 more than the rent quoted on the telephone, while the White tester was told the rent was \$1,200 during her site visit. Quoting higher rents or security deposits to the African-American tester was a common tactic in many of the tests showing differential treatment as was requiring the African-American tester to get a referral before she could apply.

This testing will continue in the second year of the grant to determine if additional municipalities with disproportionately high numbers of police stops of African-Americans also show discrimination in access to housing.

Systemic National Origin Testing

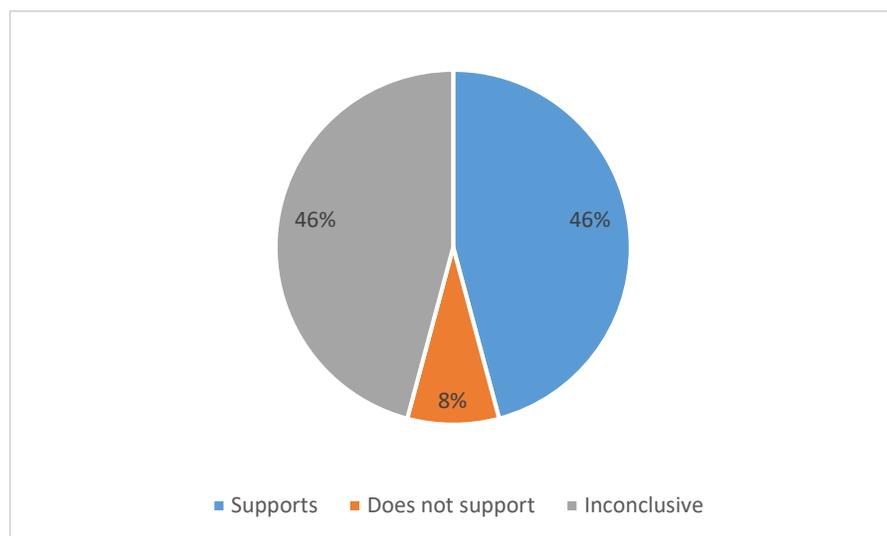
The national origin rental testing project expanded on the rental race testing project completed in June 2015. There, the testing showed differential treatment, with African-Americans treated less favorably than Whites, in 55% of the tests.. To determine if Latinos are also prevented from living in these communities, the Center began a national origin testing project in the same towns where race testing

⁸ See, Connecticut Traffic Stop Data Analysis and Findings, 2013-14 at viii – ix. (April 2015), <http://s429795233.onlinehome.us/>.

was conducted. The Center’s methodology included using Latino testers with accents and with identifiable ethnic names. As a result, there were times when the Latino tester could not get a call back about an appointment. The national origin testing in 2016 showed similar rates of differential treatment to that of African-Americans with 46% of the tests showing Latinos treated less favorably than Whites and 2% showing that Latinos and Whites were treated the same. Differential treatment included the Latino tester having to call multiple times to get an appointment, the White tester getting numerous call backs after a site visit, the Latino tester being told she had to put down a \$500 deposit to apply and the Latino tester being quoted higher rents than the White tester.

During the second year of the grant, the Center will continue national origin testing in the towns where race testing was completed under previous grants.

Figure 4: Results of Latino Testing



Systemic Gender Identity Testing

In February 2012, HUD issued landmark guidance encouraging the use of the Fair Housing Act’s sex discrimination provisions to protect lesbian, gay, bisexual and transgender persons from discrimination in housing.⁹ In response, the Center conducted the first systemic testing project to determine if gender identity plays a role in accessing housing.¹⁰ While small, that project showed that the transgender tester was treated less favorably in 100% of the tests. Because so many people in the transgender community face homelessness, it is imperative to determine if people in this community have equal access to the emergency shelter system.¹¹

During 2016, the Center developed a two-pronged approach to addressing the needs of people who are transgender in homeless shelters. First, the Center trained 295 shelter workers and homeless advocates on the rights of transgender individuals in shelters. Trainings included advocates from HUD’s Connecticut Office, the Connecticut Coalition to End Homelessness, AIDS CT, the Connecticut TransAdvocacy Coalition, and the Triangle Community Center. The sessions lasted two hours and were

⁹ Id. at pg. 5662-5676 (February 3, 2012).

¹⁰ Center testing report, p. 31 – 33.

¹¹ 2015 Connecticut AI at 64, fn. 291.

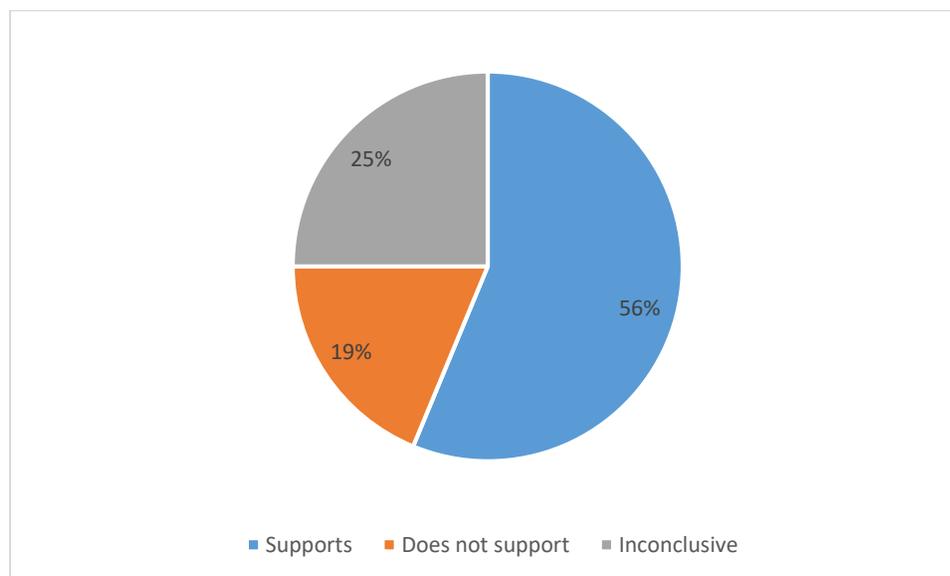
held in a variety of locations around the state. Staff members trained included both people from the 211 Infoline system which is responsible for referring people to homeless shelters and staff of the shelters themselves. The trainings included both information about the Connecticut law which prohibits discrimination based on gender identity or expression as well as a review of the HUD guidance. Most importantly, people who are transgender discussed the challenges they face in being recognized as their preferred gender and incidents of micro-aggression like people refusing to use the person's chosen pronouns or name.

To determine if homeless shelters and the 211 Infoline system were not discriminating against people who are transgender, the Center conducted tests with the testers revealing that they were transgender and asking if the shelter could accommodate them in the shelter that matched their gender identity, not the gender they were assigned at birth. Responses from shelter staff included:

- Testers being told they could not stay with the gender with which they identified because the shelter staff could not guarantee their safety from the other residents;
- Testers being told staff could not accommodate a transgender woman in a woman's shelter;
- Shelter staff inquiring of the tester if she still had her male parts; and
- Testers being told they would be put in a locked room to protect him from the dorm population.

During the second year of the grant, the Center will continue both its training of shelter staff and its testing.

Figure 5: Results of Transgender Testing



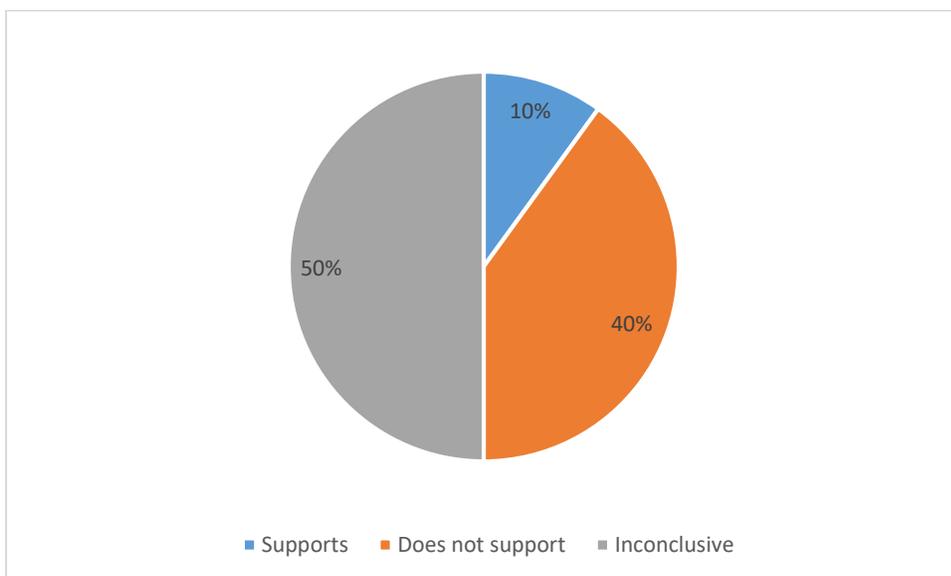
Systemic Insurance testing

The final testing program under the grant involved an investigation of insurance practices to determine if companies are illegally refusing to write policies for landlords who rent to tenants with housing subsidies. In a recent decision denying Defendant insurance company's Motion to Dismiss, the Connecticut Federal District Court held that it is possible for a plaintiff to make out a disparate impact claim based on race and national origin against an insurance company that denies habitational insurance

to landlords or charges increased insurance premiums to landlords renting to tenants receiving housing choice vouchers. *Viens et al. v. American Empire Surplus Lines Ins. Co.*, 2015 WL 3875013. See also, *Francia V. Mount Vernon Fire Ins. Co.*, No. CV084032039S, 2012 WL 1088544, at *2 (Conn. Super. Ct. Mar. 6, 2012) (Wilson, J.). This testing project was designed to determine if other companies were using the same illegal policies.

The testing methodology included testers calling an insurance agency to determine if they could get insurance on a building they owned that had tenants with housing choice vouchers. The high number of inconclusive tests resulted from agency personnel saying yes they could write a policy but not giving any specific information about cost or the company giving the policy. The second year of testing on this issue will include creating testing scenarios where the tester is able to get information about cost and the companies writing the policies.

Figure 6: Results of Habitational Insurance Testing



Conclusions and Next Steps

The first year of this grant did what the Center hoped it would by permitting the organization to provide its core fair housing services to Connecticut residents. In addition, the systemic testing projects and the trainings done provided some insight into the causes of racial and ethnic segregation in Connecticut. Towns with high numbers of police stops of African-Americans also have high rates of differential treatment of African-Americans in housing. Towns showing high rates of race discrimination also show high rates of national origin discrimination. Finally, staff of homeless shelters need additional training and support to ensure that people who are transgender are not denied shelter because of their protected class status.

During the second year of the grant, the Center will build on the work that was begun in year one by:

- Increasing the number of complaint-based tests completed by testing source of income complaints for race, national origin or disability discrimination;

- Continuing race testing in additional municipalities with disproportionately high numbers of police stops of African-Americans to determine if these towns also deny African-Americans access to housing;
- Continuing national origin testing in the towns where race testing was completed under previous grants;
- Providing training on the rights of people who are transgender in homeless shelters to staff;
- Testing homeless shelters to determine if they are discriminating based on gender identity; and
- Continuing its habitations insurance testing project by creating testing scenarios where the tester is able to get information about cost and the companies writing the policies.