

**WHERE CAN WE GO FROM HERE?:  
THE RESULTS OF THREE YEARS OF FAIR HOUSING  
TESTING IN CONNECTICUT**

**2012 – 2015**



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## Executive Summary

On July 1, 2012, the Connecticut Fair Housing Center (“the Center”) began work on a three-year Fair Housing Initiative Program Private Enforcement Initiatives-Multi Year Funding Component (“PEI-MYFC”) grant (“the grant”) awarded to it by the U.S. Department of Housing and Urban Development (“HUD”). As part of the grant, the Center agreed to conduct complaint-based and systemic housing discrimination investigations across Connecticut including urban, suburban and rural areas. In all, the Center completed more than 300 tests.<sup>1</sup> This report is a summary of the results of these testing projects.

The Center’s systemic investigations, which were not in response to specific complaints, were conducted to determine proactively if illegal discrimination was influencing various parts of the housing market. The systemic investigations included:

- Homesales testing to determine if African-Americans are treated differently than Whites when working with real estate agents to buy a home;
- Rental testing to determine if African-Americans are treated differently than Whites when trying to rent apartments;
- Rental testing to determine if Latinos are treated differently than Whites when trying to rent apartments;
- Mortgage lending testing to determine if African-Americans receive the same treatment as Whites when looking for information about mortgage products;
- Rental testing to determine if people who are deaf or hard of hearing are treated differently than people who are not deaf or hard of hearing when trying to rent apartments;
- Testing to determine if people who are elderly or disabled are required to prove that they can live independently when looking for housing; and
- Testing to determine if people face illegal housing discrimination based on gender identity or expression.<sup>2</sup>

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<sup>1</sup> The investigations reported on here do not represent all of the fair housing testing completed by the Center during the three year period. HUD FHIP grants are designed to address discrimination based on federally protected classes. Tests or investigations on State protected classes such as source of income, age, or sexual orientation are not included in this report. The Center completed at least another 150 tests during this time on State protected classes. Finally, this report does not include any information on tests where information was gathered but where the information was not part of a paired test or completed investigation.

<sup>2</sup>In February 2012, HUD issued a rule giving equal access to HUD programs regardless of sexual orientation or gender identity. 77 Fed. Reg. 5662 (February 3, 2012). In addition, HUD has indicated that it will treat complaints regarding sexual orientation, gender identity and gender expression as forms of sex discrimination.

Testing Project	Number of Tests Completed	Geographic Locations
<b>Complaint-based Tests</b>	139	Various
<b>Race Homesales Testing</b>	11	Hartford County
<b>Race Rental Testing</b>	30	Litchfield County, Tolland County, Hartford County
<b>National Origin Rental Testing</b>	65	New Haven County, Middlesex County, Fairfield County
<b>Race Mortgage Lending Testing</b>	10	New Haven County, Hartford County
<b>Independent Living Testing</b>	21	Throughout the State
<b>Deaf/Hard of Hearing Testing</b>	22	Throughout the State
<b>Gender Identity Testing</b>	10	New Haven County

**Summary of Findings**

Every systemic testing project showed that the tester in the protected class was not given the same housing opportunities as the tester who did not have the protected characteristic:

- **Race homesales testing**—More than 75% of the tests showed differential treatment with the African-American tester receiving less favorable treatment;
- **Race rental testing**—The tests completed for this project showed differential treatment in 55% of the tests with African-Americans treated less favorably than Whites;
- **National origin rental testing**—Latinos were treated less favorably than Whites in 61% of the tests statewide and in 73% of the tests in New Haven County;
- **Race mortgage lending testing**—In its first mortgage lending testing project completed since the dramatic sub-prime crash changed the lending market, the Center found that African-American testers received less favorable treatment in 50% of the tests;
- **Deaf and hard of hearing rental tests**—This testing project was performed in conjunction with 11 other fair housing agencies from around the country. The Center’s testing showed differential treatment toward people who are deaf or hard of hearing in 27% of the tests;
- **Independent living testing**—In 71% of the tests, housing providers made it clear that they would not make housing available to a person unless she could prove she had the ability to live independently;
- **Rental transgender testing**—The Center is the first agency in the nation undertaking a project to determine if people who are transgender face discrimination in housing. The Center’s results showed less favorable treatment of the transgender tester in 100% of the tests.

The Center’s testing results show that people of color still face significant obstacles to enjoying equal access to housing in Connecticut. Whether it’s buying, renting, or financing a home, race and national origin play an unacceptable role in the opportunities offered to home-seekers in Connecticut.

Discrimination against African-Americans and Latinos can be subtle. Of the more than 400 calls the Center receives every year from Connecticut residents alleging discrimination, only 8% allege discrimination based on race while 3% allege discrimination based on national origin. Yet systemic testing suggests a much higher prevalence of bias in the marketplace. This disparity can be traced to the subtlety of the discrimination African-Americans and Latinos face – often too subtle or disguised for an individual to identify without help from an agency focused on fair housing rights. Unlike with disability discrimination or familial status discrimination, landlords rarely explicitly tell applicants they cannot have an apartment because of their race or national origin. Yet race and national origin discrimination persist in housing.

The Center’s investigations into newer protected classes – disability and gender identity or expression – show that discrimination is common. This may be due in part to the fact that the protections given to these groups by the fair housing laws are not as well known.

### [Next Steps](#)

The Center has completed several large systemic fair housing projects including this three-year grant from HUD, the Connecticut Analysis of Impediments to Fair Housing Choice, and the Fair Housing and Equity Assessment for the Sustainable Knowledge Corridor in Connecticut and Massachusetts, as well as numerous fair housing litigation cases. HUD recently issued its new Affirmatively Furthering Fair Housing regulation and the U.S. Supreme Court upheld the applicability of the disparate impact theory in enforcing the fair housing laws. As a result of this confluence of events, the Center is in a unique position to address the systemic forces which are keeping Connecticut’s neighborhoods segregated.

The Center’s staff will use the results of the testing reported here as well as the new tools created by HUD and reinforced by the Supreme Court’s disparate impact decision to continue to ensure that all of Connecticut’s neighborhoods welcome all people.

### [Acknowledgements](#)

The Connecticut Fair Housing Center would like to thank all of its staff for their participation in the work on the testing projects reported here. Testing Coordinators Maria Cuerda, Claudia Dresser, and James Dresser completed the testing. They recruited and trained more than 110 testers as well as designing and implementing the tests. They spent time on nights and weekends to ensure that the tests were completed on-time and in accordance with the Center’s testing procedures. Special thanks also to Cesar Aleman who assisted with tester recruitment and outreach to the transgender community.

## Introduction

### The Connecticut Fair Housing Center

The Connecticut Fair Housing Center is a statewide nonprofit organization dedicated to ensuring that individual choice, and not discrimination, determines where people in Connecticut live. To accomplish this goal, the Center assists clients by addressing fair housing, fair lending, and homeowner rights through the investigation of claims of discrimination and the provision of legal representation; working with State and local governments to ensure that they fulfill their obligations under the fair housing laws; and, promoting integration and the stabilization of neighborhoods. Whether fighting a legal battle on behalf of a woman denied housing because of her disability, advocating for increased homeowner protections in the judicial foreclosure process, or bringing attention to impediments to fair housing in Connecticut, the Center's staff works to protect the rights of all individuals to be free from housing discrimination so they are free to live in the housing of their choice.

### The Fair Housing Laws

#### Federal and State Fair Housing Laws

Federal and State fair housing laws prohibit a wide range of discriminatory conduct in the housing sector. Whether fair housing laws apply in a particular situation turns on the following three questions:

- (1) Is the person covered?
- (2) Is the property covered?
- (3) Is the behavior covered?

If the answer to all three questions is yes, then the fair housing laws apply.

#### Is the person covered?

The federal Fair Housing Act ("federal FHA") creates protections for all people and prohibits discrimination in housing and related services on the basis of:

- Race<sup>3</sup>
- Color
- National Origin
- Religion
- Physical or Mental Disability
- Sex
- Familial Status or the Presence of Children

In addition, the State law prohibits discrimination on the basis of:

- Marital Status
- Sexual Orientation

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<sup>3</sup> Sections 1981 and 1982 of the Civil Rights Act of 1866 provide that all citizens shall have the same right to make and enforce contracts and to inherit, purchase, lease, sell, and convey real property as white citizens. There are no exemptions from this law; all property is covered.

- Age
- Source of Income
- Gender Identity or Expression<sup>4</sup>

### Is the property covered?

Fair housing laws apply to the occupancy, sale, rental, insuring, or financing of nearly all forms of residential housing, including:

- Apartments
- Single-family homes
- Mobile homes
- Nursing homes
- Homeless shelters
- Homeowners who are selling or renting property<sup>5</sup>
- Vacant lots that will be used for housing

### **Property exempt from the federal FHA:**

1. The sale or rental of any single family house by an owner;
2. Owner-occupied dwellings with four or fewer units;
3. Elderly housing (exempt from familial status discrimination only);<sup>6</sup> and
4. Property owned by religious organizations and private clubs.

### **Property exempt from the Connecticut Human Rights and Opportunities Act (“State FHA”):**

1. Owner-occupied dwellings with two or fewer units;
2. Owner-occupied rooming houses;
3. Familial status discrimination—exempts owner occupied dwellings with four or fewer units and elderly housing; and
4. Sexual orientation discrimination—exempts owner occupied dwellings with four or fewer units.

### Is the behavior covered?

Behavior is covered if it results in either *differential treatment of*, or *disparate impact* on, the members of a protected class. *Differential treatment* covers any treatment of a person because of his or her membership in a protected class. *Disparate impact* occurs when a policy or system that appears neutral on its face has a discriminatory effect on members of a protected class.

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<sup>4</sup> In February 2012, HUD issued a rule giving equal access to HUD programs regardless of sexual orientation or gender identity. 77 Fed. Reg. 5662 (February 3, 2012). In addition, HUD has indicated that it will treat complaints regarding sexual orientation, gender identity and gender expression as forms of sex discrimination.

<sup>5</sup> Homeowners who sell or rent single-family homes are exempt so long as they do not own more than three single-family homes at one time and if they do not use the services of real estate agent or broker. Exemptions are complicated and there may be exceptions to exemptions. For example, discriminatory advertising is illegal even if done by an otherwise exempt owner.

<sup>6</sup> Elderly housing is defined as housing intended for, and solely occupied by, persons 62 years of age or older; or intended and operated for occupancy by persons 55 years of age or older, and at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older. 42 U.S.C. §3607(b)(2).

The following behavior is illegal if it is undertaken because the person is a member of a protected class:

- Refusing to sell or rent after the making of a bona fide offer;
- Refusing to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling;
- Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities; Discriminating against any person in the terms or conditions of any residential real estate-related transaction;
- Making, printing or publishing, or causing to be made, printed or published, any notice, statement, or advertisement, concerning the sale or rental of a dwelling where such notice, statement or advertisement indicates any preference, limitation, or discrimination;
- Representing to any person that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;
- Steering any buyer or renter to purchase or rent a dwelling to an area which is substantially populated, even if by less than a majority, by persons of the same protected class as the buyer or renter;
- Inducing or attempting to induce any person to sell or rent any dwelling for profit by representations regarding the entry or prospective entry into the neighborhood of a person or persons protected from discrimination;
- Refusing to make reasonable accommodations in rules, policies or practices; and
- Refusing to permit reasonable modifications by an individual with a disability.

The investigations under this grant did not include any State-protected classes (marital status, sexual orientation, age, and source of income). However, since HUD has indicated that it will treat complaints regarding sexual orientation, gender identity and gender expression as forms of sex discrimination, the Center did complete an investigation based on gender identity and expression.

## What is testing and why is it legal?

Fair housing testing is a method of determining whether or not housing discrimination is occurring in a housing market. As the U.S Supreme Court stated in its landmark ruling *Havens Realty v.*

*Coleman*,<sup>7</sup> "testers" are individuals who, without an intent to rent or purchase a home or apartment, pose as renters or purchasers for the purpose of collecting evidence of illegal discriminatory behavior. Testing is a critical tool in determining if housing discrimination is present because home seekers often do not know who ends up renting or buying the property they were interested in and have no way of comparing their treatment to that of other prospective homeseekers.

The investigations completed under this grant included both complaint-based testing and systemic testing which are similar but not exactly the same. In complaint based testing, the testing coordinator gives one tester, here called the "protected tester" or PT, characteristics similar to that of the person making the complaint. The other tester, here called the "control tester" or CT is given characteristics that are similar to the PT's characteristics except that the CT is not a member of the protected class being investigated.

In all tests, both testers are qualified for the unit they are seeking. In addition, testers never know if they are the PT or the CT. Only the testing coordinator has that information. Neither tester is told which protected class is the subject of the test.

In designing systemic tests, the PT is given characteristics that makes her slightly more qualified for the unit she is seeking than the CT. The primary difference between the testers is that the PT is a member of the protected class that is the subject of the investigation.

In measuring the outcomes of tests, the testing coordinator analyzes tests to determine if there are any differences that relate to the protected characteristic. The tests are then given the following designations:

**Supports allegations**—The testing shows differences in treatment based on the PT's membership in a protected class.

**Does not support allegations**—The testing shows no differences in treatment based on the PT's membership in a protected class.

**Inconclusive**—The testing shows some differences in treatment but not enough to conclusively state that there was a difference based on membership in a protected class.

Testing is not entrapment. It is an objective observation of the regular behavior of a housing provider that can reveal whether or not there is different treatment based on membership in a protected class, identify discriminatory policies and practices, confirm compliance with accessibility requirements, and assess the willingness of housing providers to make required reasonable accommodations or modifications for people with disabilities. In many instances, testing does NOT reveal discriminatory practices.

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<sup>7</sup>455 U.S. 363 (1982)

## Demographics of Connecticut

The Center's three year project was designed to investigate the role of illegal discrimination in the perpetuation of Connecticut's segregatory living patterns. Before beginning the discussion of the results of those investigations, it is important to understand the racial and ethnic designations used by the Census and in this report, e.g. White, African-American, Hispanic/Latino.

### Racial Groups

**African-American or Black:** Used to describe anyone of African descent.

**Non-Hispanic White or White:** Used to describe anyone who is of European ancestry. All race and national origin testing included a non-Hispanic White person as the CT.

### Ethnic Groups

**Latino or Hispanic:** This report uses the term "Latino" to refer to people of Cuban, Mexican, Puerto Rican, South or Central American, or other Latin culture or origin regardless of race. The U.S. Census uses term "Hispanic." Since the Census does not recognize Latino or Hispanic people as a racial group separately from Whites or African-Americans, this report uses Latino or Hispanic to refer to Latino/Hispanic Whites or Latino/Hispanic African-Americans.

### Disability

The definition of disability contained in the federal FHA and used by reference in the State FHA is:

1. A physical or mental impairment which substantially limits one or more major life activities;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.<sup>8</sup>

In its definition of "disability," the State FHA includes any individual who has any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance." The State FHA further defines person with mental disabilities as "an individual who has a record of, or is regarded as having one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's 'Diagnostic and Statistical Manual of Mental Disorders'."<sup>9</sup>

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<sup>8</sup> The federal FHA states that a landlord does not have to rent to a person who is a direct threat to the health and safety of others or whose tenancy will result in substantial physical damage to the property of others.

<sup>9</sup> C.G.S. § 46a-51(20)

Connecticut is a racially and ethnically diverse State. In 2010, as seen in Figure 1, people of color made up 29% of Connecticut's total population up from 22% in 2000.

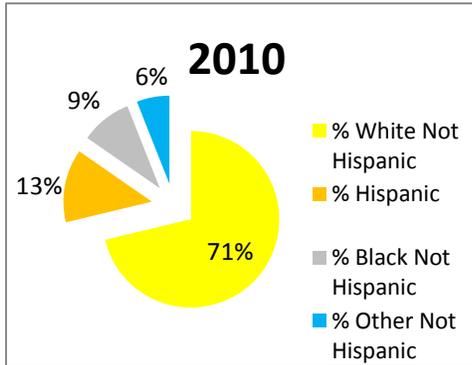


Figure 1: Racial and Ethnic Makeup of Connecticut

Yet by any measure, Connecticut is highly racially and ethnically segregated. Two of every three persons of color in Connecticut live in just 15 of the State's 169 municipalities. Put another way, 67% of the State's population of color lives in 8% of Connecticut's towns.

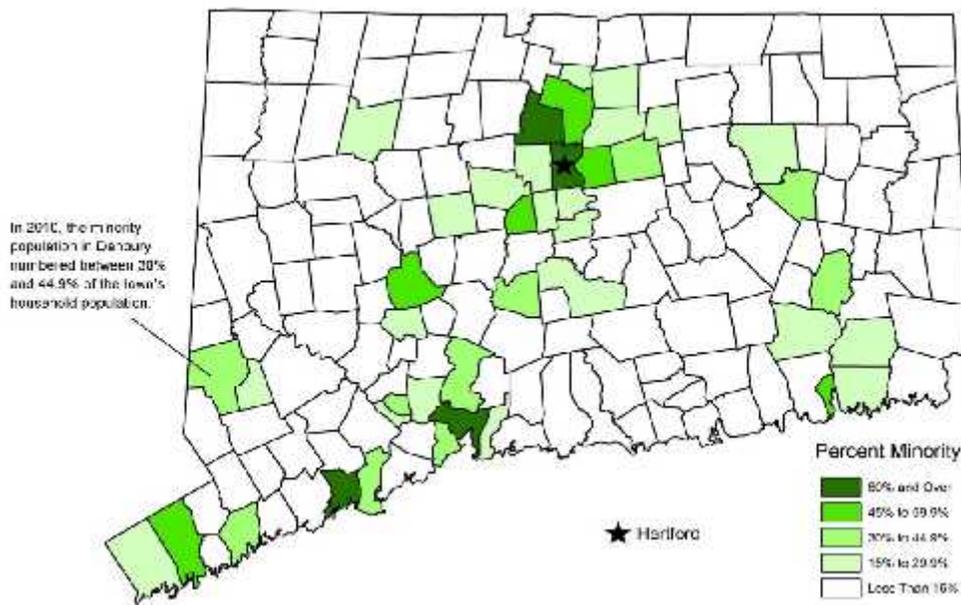


Figure 2: Map of Connecticut Overlaid with Race

### What testing can explain about persistent patterns of segregation

Unfortunately, fair housing testing does not address the root causes that created Connecticut's segregation patterns. Those patterns were created primarily by many decades of housing policy on the federal, State and local level. As a result, eradicating individual acts of discrimination will not remedy all of the inequities we see in our communities today.

However, fair housing testing can demonstrate how the actions of individual housing providers affect the choices made by homeseekers. If a homeseeker is denied the opportunity to look at or rent a home in a neighborhood of their choosing, the homeseeker is unable to participate in the advantages provided by that home and neighborhood, including things like access to jobs, public transportation, high quality schools, and fresh food. Housing location affects many areas of a person's life. Discriminatory actions of housing providers therefore have a significant impact on a person's life and opportunities for social and economic success and can contribute to longstanding patterns of segregation.

## Complaint-Based Testing

### Methodology

During the course of this three year grant, Center staff investigated complaints received from all areas of the State. In response to the complaints, the Center completed 136 tests.<sup>10</sup> In some instances a client called alleging one type of discrimination but testing showed the client was treated differently based on another protected class. For example, a client called alleging discrimination based on familial status but the testing revealed that the landlord was instead discriminating against the client based on her lawful source of income or race. For each complaint-based test, the PT was given characteristics similar to that of the client while the CT was given characteristics that were similar to the PT in every way except for the characteristic being tested. The testers were never told whether they were the PT or the CT nor what protected class was being investigated.

### Challenges

Not all complaints received can be tested. If a client calls because she believes she is being treated differently in her current housing, but there are no vacancies at the property, the Center cannot investigate using testing. The complaint-based testing results reflect instances where the client alleged a violation of the law and where a unit was vacant to test. Where testing cannot be completed, the Center may investigate the allegation using other methods. If the Center is unable to investigate allegations using any method, the Center provides counseling and referrals to applicable administrative agencies but will not provide further services.

### Outcomes

During the course of the grant, the highest number of complaint-based tests were done based on familial status allegations followed by race, disability, national origin, and gender.

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<sup>10</sup> All complaint-based tests were paired tests or sandwich tests. Paired tests include two test parts, a PT and a CT. Sandwich tests include three test parts, a two PTs and a CT. Test parts in which the unit had already been rented are not included in this analysis. In addition, test parts in which the tester was looking for information about the availability of units or the process for applying in order to design the paired test are not included since they did not provide evidence of legal or illegal treatment of members of the protected classes. If all test parts performed under this grant were included here, the total number of test parts would be more than 300.

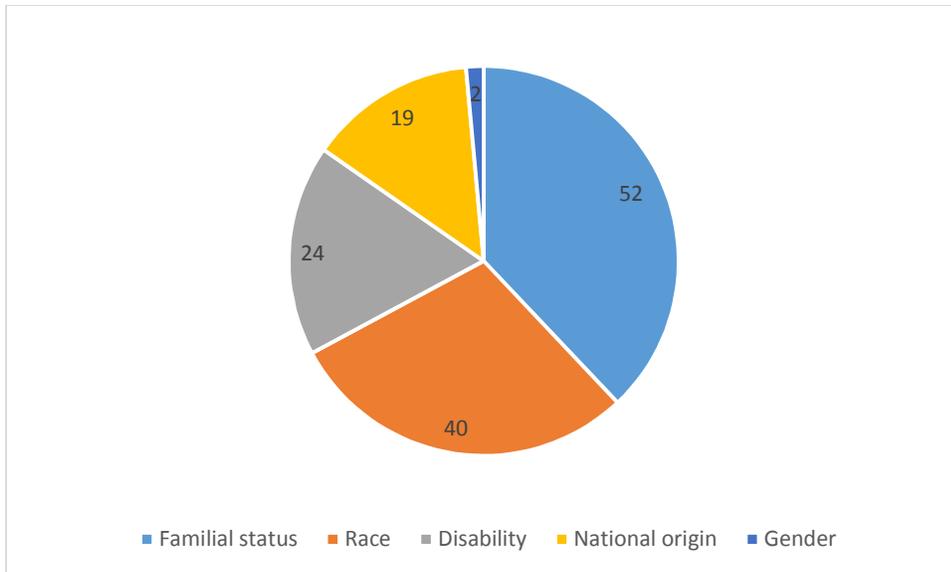


Figure 3: Complaint-Based Testing By Protected Class

Testing found no evidence of discrimination in 10% of all tests. If a test was inconclusive and the unit was still available, the Center performed follow-up tests to determine if there was evidence of discrimination. In tests that have been designated as “Inconclusive,” the Center found some evidence of discrimination but not enough to conclusively say the difference in treatment was based on the tester’s protected class status.

If testing shows inconclusive results or results that do not support the allegations, the Center may perform additional investigation or additional tests. For example, an African-American caller may believe she was denied housing because of her familial status. The Center’s testing based on familial status may reveal no differential treatment. However, subsequent testing based on race may reveal differential treatment with the African-American tester receiving less favorable treatment than the White tester. In addition, while testing is being performed the Center may also talk to witnesses who observed the interaction between the caller and the housing provider or talk to other tenants living in a building. Finally, a landlord may suspect he is being tested and not treat the testers differently even after he or she has treated a caller differently based on membership in a protected class. Therefore, even if a test shows no difference in treatment, other parts of the Center’s investigation may still substantiate the illegal treatment reported by the complainant.

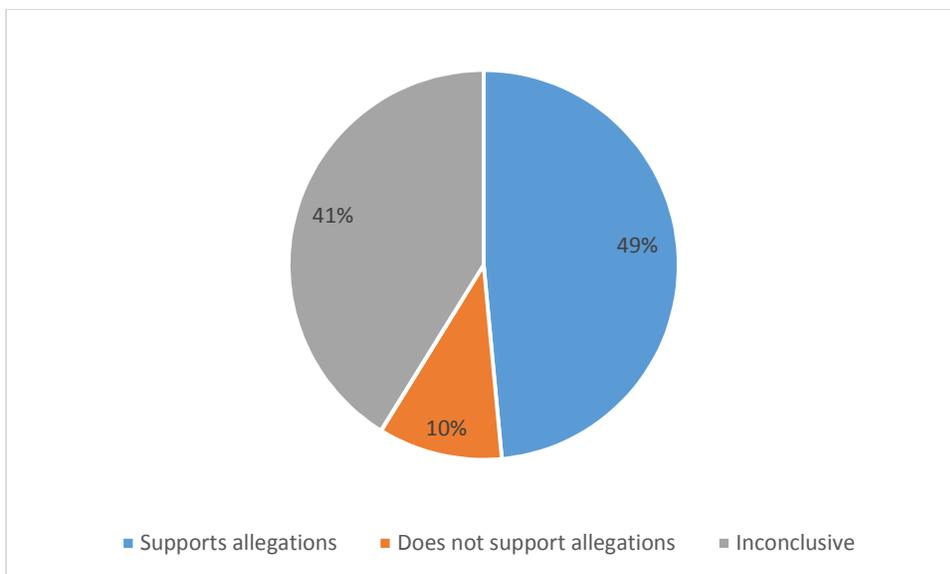


Figure 4: Complaint-Based Tests by Outcome

Once a complaint-based investigation was complete, the Center consulted with the client to decide on next steps. The following table demonstrates the results of the cases in which testing was done.<sup>11</sup>

Results of Cases with Testing	
	Percentage
No outcome at this time	6%
Obtained relief without filing an enforcement action	7%
Determining next steps	8%
Client withdrew	7%
Referred to community agency for follow-up	7%
Referred to HUD/CHRO/other enforcement agency	14%
Filed in court/CHRO/HUD	25%
Case closed for lack of evidence	27%

As can be seen from the chart above, in 46% of cases where testing was done the Center used the results of the testing to enforce the fair housing laws by:

- Referring the case to a community agency for follow-up (7%);
- Referring the case to HUD, CHRO, or another enforcement agency (14%); or
- Filing a case in court, CHRO, or at HUD (25%).

If this is added to the number cases in which the results were used to obtain relief without filing an enforcement action, 53% of the Center’s tests resulted in activities where the fair housing laws were used to get a client relief. As a result of the testing performed on complaints, the Center collected more

<sup>11</sup> Of the 986 intakes opened during the course of this grant, approximately one-third were able to be tested. The other two-thirds were investigated by other methods such as speaking with witnesses, talking with treating medical professionals about the need for a reasonable accommodation or reasonable modification, or were closed because the Center was unable to substantiate discrimination.

than \$1 million in damages and attorneys' fees for the victims of housing discrimination. Finally, 27% of the time the Center's investigations resulted in the Center closing the case for lack of evidence.

#### Complaint-Based Testing Conclusions

The Center's complaint-based testing program succeeded in finding evidence of discrimination which allowed the Center to focus its scarce resources on the strongest complaints it receives. The Center will continue to do complaint-based testing since it is one of the most powerful tools the organization can use to determine if the client has been the victim of housing discrimination.

## Systemic Testing Based on Race and National Origin

Because hypersegregation by race and national origin has been a hallmark of Connecticut's residential living patterns, the Center performed four systemic testing projects to determine the effect of race and national origin on access to homes to purchase, homes to rent, and purchase money mortgages. As will be seen below, the results suggest significant differences in the treatment of African-Americans and Latinos when compared to Whites.

### Homesales testing

#### Methodology including geographic locations

The Center performed 11 homesales tests in which the testers received 476 listings and saw a total of 61 homes, with the PTs seeing 29 homes and the CTs 32. The project was designed to determine if there was steering<sup>12</sup> or other differential treatment based on race. The sales testing methodology consisted of two testers, one African-American (PT) and one White (CT), who each contacted a real estate agent to ask about housing in Hartford County. The Center tested a total of 11 different agencies with each pair being told to call the same agency and ask for the same real estate agent.

The testers were assigned the characteristic of being first time homebuyers who had prequalified for a mortgage. The PT, who was African-American, generally had slightly more income, a slightly better credit score, and was pre-qualified for a slightly larger mortgage than the CT, who was White. Both testers asked about buying similar homes in similar locations. Neither tester was told if she was the PT or the CT nor was she given any information about the protected class that was the subject of the test. Testers were instructed to agree to see any properties they were offered.

#### Challenges

The Center infrequently receives complaints from people who believe they experienced discrimination when attempting to buy a home. The reasons for this are many, including that it is difficult for an individual homebuyer to tell if he is being steered to a particular neighborhood. Similarly, an individual homebuyer usually does not compare her experience with a real estate agent with other homebuyers and may not be aware that other homebuyers were encouraged or offered additional assistance. The homebuying process presented difficulties for the testers because they frequently were sent many listings by an agent followed by site visits that lasted at least an hour and sometimes longer. Other challenges included getting a real estate agent to call or email the tester back and agree to show the tester houses. None of these challenges prevented the Center from completing the tests reported on here.

#### Outcomes

The results of the homesales testing project are similar to the results in homesales testing done by the Center before this grant began. The Center ruled out differential treatment in 17% of the tests and found significant differences in treatment in 75% of the tests performed.

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<sup>12</sup> Steering is illegal discrimination in which any buyer or renter to purchase or rent a dwelling is shown houses in areas which are substantially populated, even if by less than a majority, by persons of the same protected class as the buyer or renter.

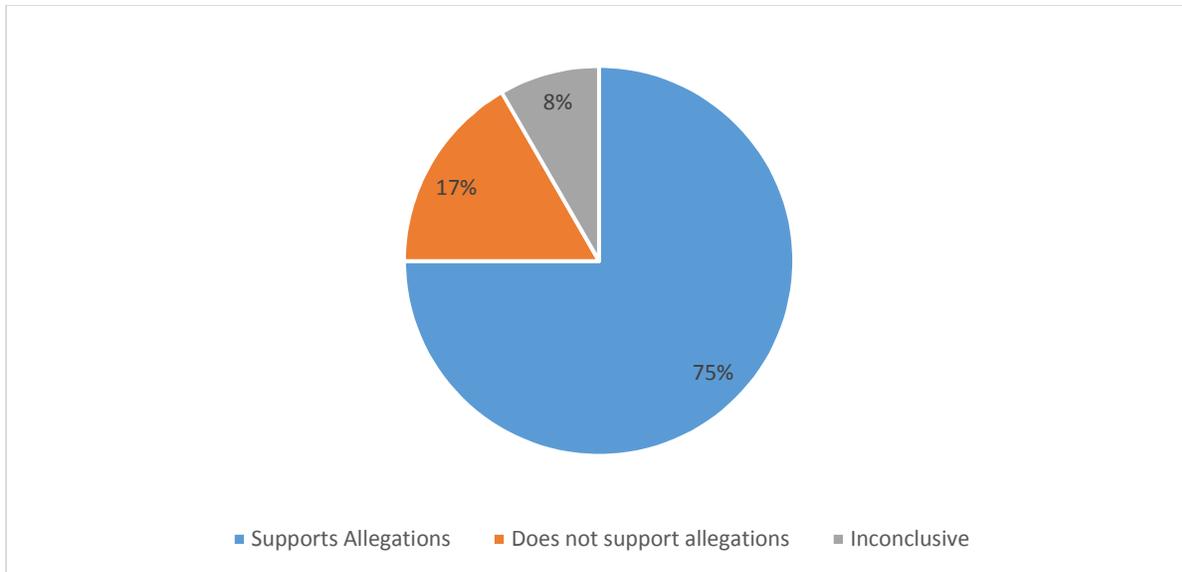


Figure 5: Results of Race Sales Testing

Differences in treatment included:

- 75% of the African-American testers were discouraged by the real estate agent including not being given an appointment to see houses when the White tester was offered an appointment, being required to sign a buyer's agreement when the White tester was not required to sign such an agreement, attending several in-person appointments with the real estate agent before being allowed to see homes when the White tester was allowed to see homes at the first meeting with the real estate agent, and being referred to agents who no longer worked for the agency when the White tester was given a person who currently worked at the real estate firm;
- None of the White testers were discouraged in any way;
- 58% of the White testers were encouraged by the real estate agent including offering to speak to a lender to get the tester a higher mortgage pre-approval amount, offering additional appointments to look at houses, and asking more questions of the White tester to better understand her needs. None of the African-American testers received such encouragement; and
- Real estate agents made negative comments about neighborhoods including telling a White tester not to look in New Britain (63% White, 13% African-American, and 36% Latino) and to look in Glastonbury (88% White, 2% African-American, or 4% Latino) or as close to Glastonbury as possible.

After examining the differences in treatment, the Center examined the listings sent and the homes shown to the testers to determine if there was evidence of steering. While African-American testers were sent nearly twice as many listings (306) as White testers (168), the listings differed significantly. Despite the fact that the testers presented similar financial characteristics, asked about living in the same areas, were prequalified for similar mortgage amounts, and contacted the real estate agents within two weeks of one another requesting similar types of houses, the listings sent to and shown each tester showed wide variation. Only 10% of the listings were sent to both the PT and the CT. It is possible that the difference in the number of listings sent to each tester had to do with the slight differences in income with the PT having slightly more income than the CT.

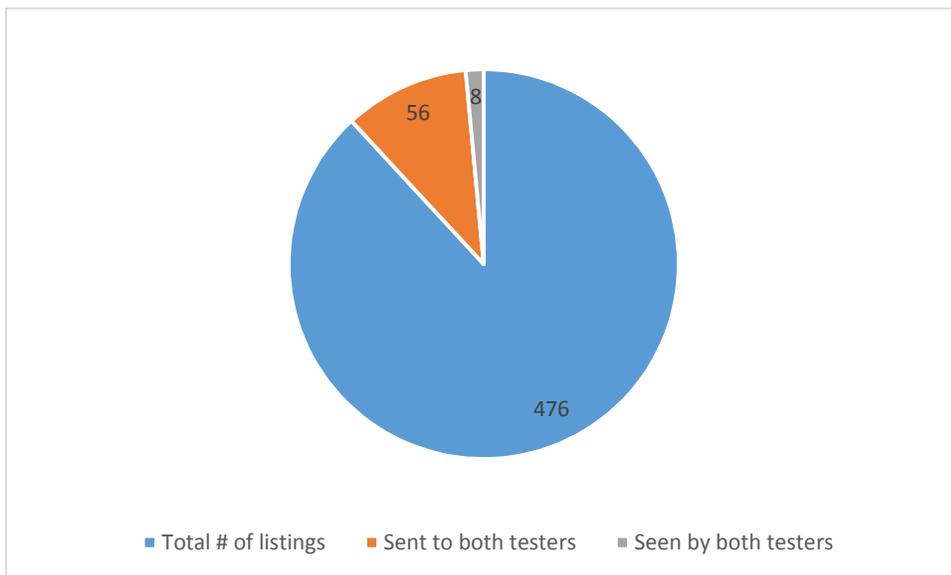


Figure 6: Homesales Listings Sent to Testers

The testers' first interaction with the real estate agent was either by telephone or by email to ask about seeing homes. After the call or email, all testers except one PT was sent listings by the real estate agent. After receiving the listings, the testers again contacted the agent asking to see homes. The homes seen by the testers were chosen by the real estate agent after meeting with the tester.

The Center evaluated the listings sent to each tester when the White population in the census tract was less than 50% (considered severely segregated); the White population in the census tract was between 51 and 72% White (Connecticut is 72% White); the White population is between 73 – 91% White (Connecticut's population is 9% African-American); and census tracts where the White population is greater than 91.1% (areas considered severely segregated).

As shown in Figure 7, African-Americans were sent fewer listings in census tracts that were greater than 91% White even though the African-American testers had higher income, better credit scores, and had prequalified for a larger mortgage.

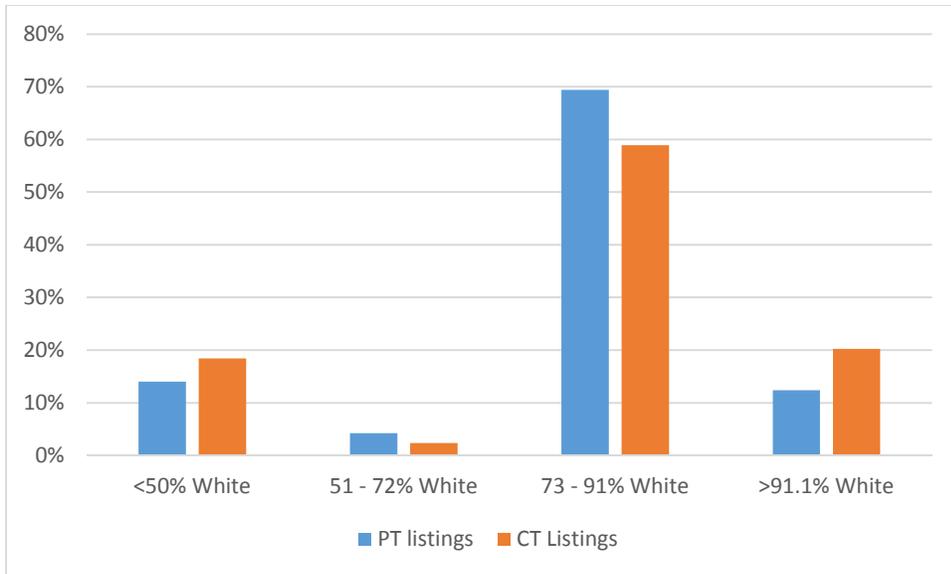


Figure 7: Tester Listings by Percent of White Population

If steering occurs, it usually occurs at the stage when the tester sees homes with the real estate agent choosing which homes to show based on the race of the tester and the racial make-up of the neighborhood in which the home was located. As is seen in Figure 8 below, there continues to be differences in the homes shown to testers even though the White tester was prequalified for a smaller mortgage than the African-American tester. If the real estate agents were looking solely at objective characteristics, there would be more similarity in the homes shown to both testers.

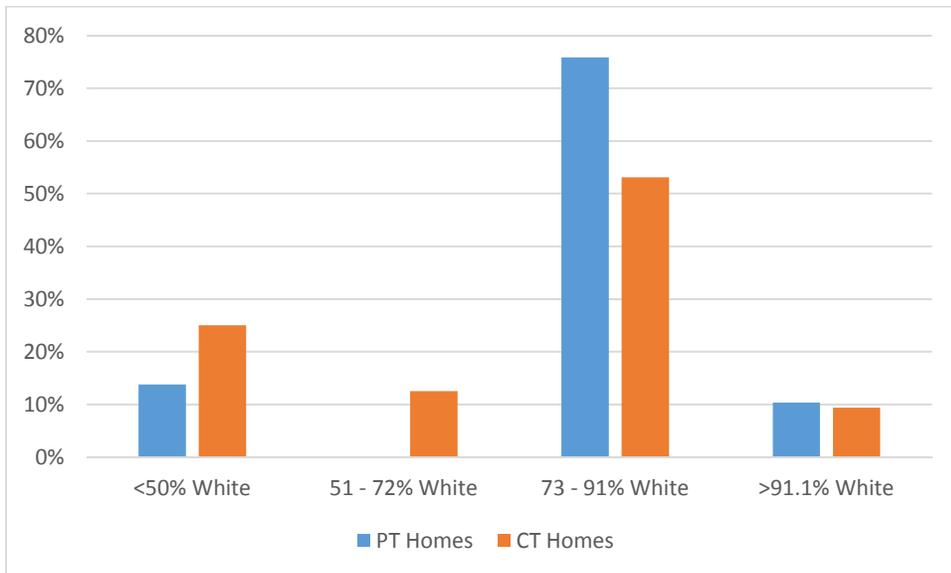


Figure 8: Homes Shown to Testers by % of White Population

### Sales Race Testing Conclusions

The behavior of the real estate agents tested showed behavior toward African-Americans that was markedly different than their behavior toward Whites indicating that real estate agents were more comfortable “selling” the White tester on a particular home or neighborhood than the African-American

tester. For example, during one test in which the CT was shown several houses, the real estate agent took care to point out the locations of the homes where her friends or her daughter's friends live. The PT was given a more cursory tour of the town without any added commentary.

Given that the testers had similar financial characteristics, asked about similar size homes, and requested that they be shown homes in the same geographic locations, there should be more overlap in the homes and listings. To determine exactly why there were significant differences in the listings sent to the testers and in the homes shown to each tester as well as why there was such significant differences in the level of service given to African-Americans, the Center should conduct more homesales testing. The Center should also consider using testers with racially identifiable voices and/or racially identifiable names to determine if there are differences in treatment when the real estate agent knows the race of the tester earlier in the testing process.

## Race Testing in Rentals

### Methodology including geographic locations

In this project, the Center performed 30 paired rental tests in geographic locations throughout northern Connecticut. In each test, the PT was African-American and the CT was White. The testers were instructed to ask for similar housing. For example, some pairs were instructed to ask for a two-bedroom apartment, other pairs were instructed to ask for a three-bedroom unit. In each test, the testing coordinator researched housing vacancies through various apartment websites to determine if there was availability and told the testers to ask for one of the units that was available.

Approximately 27% of the tests were performed in Litchfield County in census tracts where the White population ranged from 91% to 97%. This location was chosen as a result of the litigation in the case of *Carter v. Winchester Housing Authority et al.* in which the Center alleged that a housing authority's residency preference had the effect of discriminating against African-Americans. By choosing to test in this location, the Center was trying to determine if African-Americans were welcome in Litchfield County outside the city of Torrington, which houses the majority of the African-American population in Litchfield County. Fifty percent of the tests in Litchfield County revealed that African-Americans were not given the same opportunities to rent as Whites.

A second geographic focus was Tolland County which was recently touted as the best place to grow up in Connecticut.<sup>13</sup> The Center performed 36% of the tests in Tolland County. Testing in this county was designed to determine if African-Americans were able to rent outside of census tracts with high concentrations of people of color. The census tracts tested in Tolland County have White populations ranging from 87% to 97%. The testing in Tolland County revealed that African-Americans were not given the same opportunities to rent as Whites 73% of the time.

Finally, 37% of the tests were performed in Hartford County to determine if African-Americans could obtain rental housing outside of urban areas like Hartford, East Hartford, and New Britain, which are majority minority. The testing revealed that African-Americans were not given the same opportunities to rent as Whites 36% of the time. The census tracts tested in Hartford County have non-Hispanic White populations ranging from 75% to 93%.

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<sup>13</sup> <http://www.courant.com/data-desk/hc-equality-of-opportunity-connecticut-tolland-20150507-htmlstory.html>

## Challenges

One significant challenge in completing this rental testing project was in finding rental housing to test. Litchfield County and Tolland County have very little rental housing outside of urban areas. In addition, many of the Center's African-American testers had never been to Litchfield County and Tolland County, did not know people who lived in the areas being tested, and were aware that the places had very high White populations. As a result, it was difficult to find testers willing to go to these areas. These challenges did not affect the Center's results or conclusions.

## Outcomes

When analyzing the test outcomes, the Center first looked at the results of all tests regardless of geographic location. As seen in Figure 9, the analysis revealed that in 55% of the tests, African-Americans were treated less favorably than Whites. Discrimination could only be ruled out in 14% of the tests.

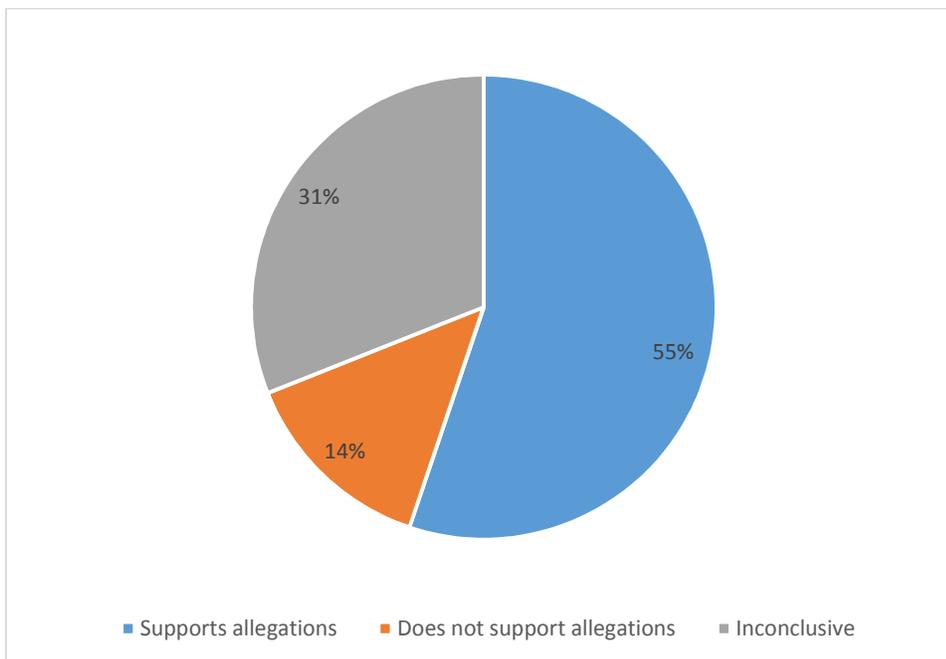


Figure 9: Results of Race-Rental Testing

Differences in treatment included:

- In 27% of the tests, African-American testers were quoted a higher price than the White tester for the same size apartment or were not told about a rental incentive that included reduced rent;
- In 20% of the tests, African-American testers were told they had to have a good credit score or a credit score over a certain amount in order to qualify when Whites were not told anything about a minimum credit score or about credit scores at all;
- Rental agents encouraged 24% of the White testers by showing them more units, calling the White testers back to ask if the tester was still interested or offering a site visit when the African-American tester was not encouraged; and
- In 33% of the tests, African-American testers were discouraged from living in the unit by being told a unit had been rented after the appointment had been made whereas the White tester

was still shown a unit or the African-American tester was told about additional costs by the agent when the White tester was not told about additional costs.

The Center next looked at the racial make-up of the census tracts in which the housing being tested was located. The Center evaluated the outcomes of the tests when the White population in the census tract was less than 50% (considered severely segregated); the White population in the census tract was between 51 and 72% White (Connecticut is 72% White); the White population is between 73 – 91% White (Connecticut’s population is 9% African-American), and the census tracts where the White population is greater than 91.1% (areas considered severely segregated).

The Center did not conduct testing in any census tract that had a White population that was less than 72%. The analysis of the tests completed revealed that the African-American testers were most likely to encounter differential treatment when the White population was greater than 91.1% of the total population. Even when the White population dropped to between 73 and 91% percent of the total population, African-Americans were treated differently 21% of the time. Based on the tests that were done here, it appears that housing providers are attempting to prevent African-Americans from moving into areas with high concentrations of people who are White.

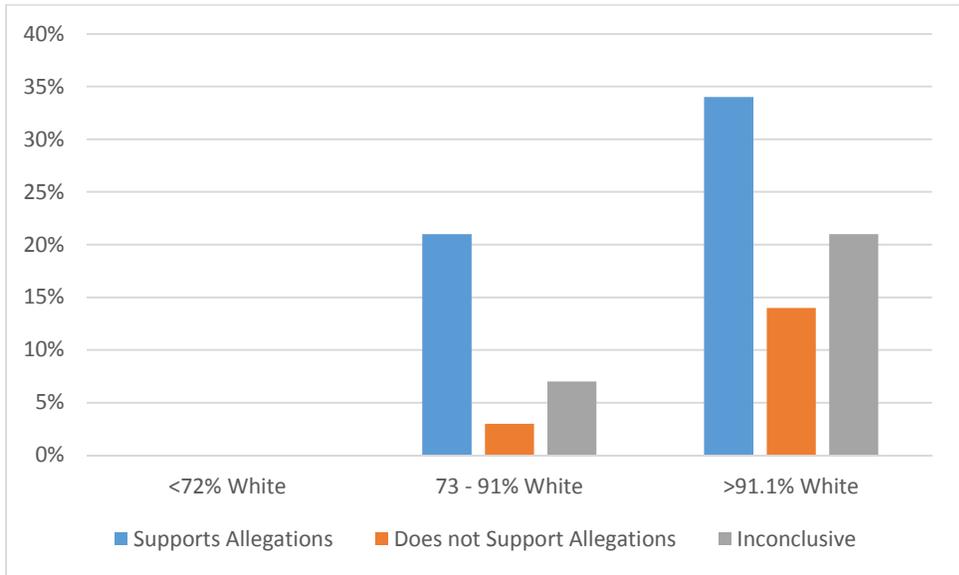


Figure 10: Race Tests Showing Differential Treatment By Percent of White Population

### Rental Race Testing Conclusions

The testing in this project showed that African-Americans were not given the same opportunities to rent as Whites in 55% of the tests. Based on the tests that were done here, it appears that housing providers are attempting to prevent African-Americans from moving into areas with high concentrations of people who are White. Since this project focused on geographic areas in the northern portion of the State, it is recommended that additional testing occur in other parts of the State to determine if the differences in treatment based on race shown here occur elsewhere as well.

## National Origin Testing in Rentals

### Methodology including geographic locations

In this project, the Center performed 65 tests over 3 years in three geographic locations. First, the Center tested in New Haven County to determine whether recent police conduct that singled out Latinos for harassment in East Haven was indicative of attitudes toward Latinos in the housing market. Testing in New Haven County showed high rates of differential treatment with Latinos receiving less favorable treatment than Whites 73% of the time. Second, the Center performed tests in Fairfield County to determine if Latinos being displaced as the result of the Marina Village (Bridgeport) public housing renovation would be able to move into other areas in Fairfield County with better performing schools as well as with greater access to employment and public transportation. Testing in Fairfield County showed differential treatment in 61% of the tests. Finally, since the city of Meriden has the fastest growing Latino population in Connecticut, the Center tested whether neighborhoods outside of Meriden in Middlesex and New London Counties welcomed Latinos. Testing showed differential treatment in 62% of the tests.

In each test, the PT was Latino and the CT was non-Hispanic White. In each test the testers had the same or similar characteristics and were instructed to ask for similar housing. For example, some pairs were instructed to ask for two-bedroom apartments, other pairs were instructed to ask for three-bedroom units. In each test, the testing coordinator researched the housing through various apartment websites to determine if there was availability and each paired tester was instructed to request the unit that was available. Neither tester was told who was the PT nor what protected class the test was investigating.

### Challenges

The Center encountered several challenges in completing this assignment. Testing necessitates an ability to read and write English. Many Latinos contacted the Center about assisting with testing but were not comfortable reading and writing in English. In other cases, the Latinos who agreed to be testers had never been to the areas being tested and were not comfortable traveling to places they had never been before. These challenges did not affect the Center's results or conclusions.

### Outcomes

When analyzing test outcomes, the Center began by looking at all of the tests regardless of location or percentage of populations of color. The testing showed that in 61% of the tests Latinos were treated less favorably than Whites.

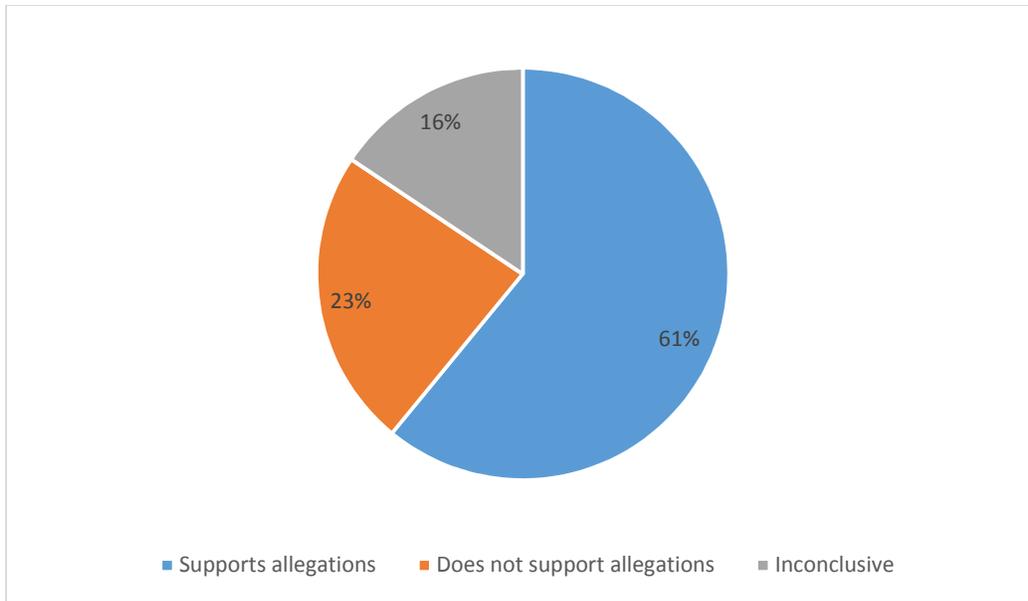


Figure 11: Results of National Origin Testing

Differences in treatment included:

- In 13% of the tests, the Latino tester was quoted a higher price for the apartment or for the security deposit than the White tester;
- 26% of the White testers were encouraged to rent the apartment by being offered incentives such as a free month’s rent, a “move-in special,” or getting follow-up calls or emails; the Latino testers did not receive such encouragement;
- 26% of the Latino testers were discouraged from living in the apartment with such tactics as being refused an application, being told they had to sign a buyer’s agreement even though the tester was looking for an apartment rather than a house to buy, and being told about a large down payment-payment needed to hold the apartment. White testers were not discouraged; and subject to this kind of treatment;
- White testers were shown a total of 53 rental units while Latino testers were only shown 11.

Second, the Center evaluated outcomes where the White population in the census tract was less than 50% (considered severely segregated); where the White population in the census tract was between 51 and 72% White (Connecticut is 72% White); where the White population is between 73 – 91% of the total population in the census tract (Connecticut’s population is 13% Latino), and where the White population is greater than 91.1% (areas considered severely segregated).

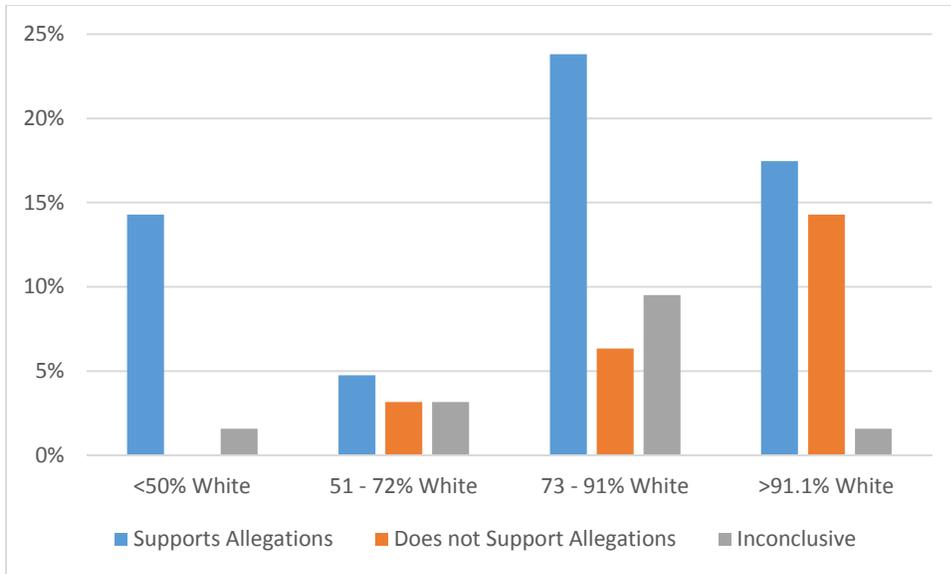


Figure 12: National Origin Testing Showing Differential Treatment by Percent of White Population

As is clear from Figure 12, Latinos were treated differently in every census tract where testing took place with the highest level of differential treatment occurring in census tracts that are between 73 and 91% White.

### Rental National Origin Testing Conclusions

Given that the Latino population is growing in Connecticut and that the number of Latinos in nearly all census tracts in Connecticut will continue to grow in the future, the results of this testing project demonstrate a need for greater enforcement of the fair housing laws based on national origin. The Center will continue to test for national origin discrimination and will continue to seek out the victims of national origin discrimination.

### Mortgage Lending Testing Based on Race

#### Methodology including geographic locations

The Center has not conducted mortgage lending testing since the dramatic changes in the mortgage lending industry in 2008. The companies handling mortgage loans have changed and many banks who had lending officers in every branch now may have one officer who is responsible for a large geographic area. As a result, the Center did considerable research before beginning this project to determine where bank branches were located, which banks were still issuing loans to homebuyers, and for information about loan products.

Given the regionalization of the mortgage market and the loss of many community banks, the Center decided not to concentrate on the geographic location of the lender. Instead, the Center chose to test local, regional, and national banks by visiting the banks to speak to a loan officer. Some of the national banks prefer to do the majority of the lending process electronically whereas smaller banks are more open to conducting meetings in person. Regardless of the preference of the bank, the testers were instructed to make an appointment to see a loan officer to get information.

The project was designed to see if African-American testers were given the same information and coaching on how to get a loan as White testers. In each instance, the tester was instructed to tell the loan officer she was a first-time homebuyer who was unfamiliar with the homebuying process. The PT and CT were given similar characteristics with the PT having a slightly better credit score, a little higher income, and a slightly lower debt-to-income ratio than the CT. Neither tester was told who was the PT and who was the CT and neither knew the protected class being investigated.

### Challenges

Mortgage lending testing can be difficult because many testers are not familiar with the homebuying process. Specialized terms such as “money paid outside of closing” or “yield spread premiums,” and information about different types of loan products are not familiar to many people and it is sometimes difficult to understand the information being given. In addition, testers must remember not only information about their household and their job, but also many more financial details than when completing a rental test.

### Outcomes

The testing was conducted in the first six months of 2015. As can be seen from Figure 13, differential treatment was found in 50% of the tests with African-American testers receiving less favorable treatment than Whites.

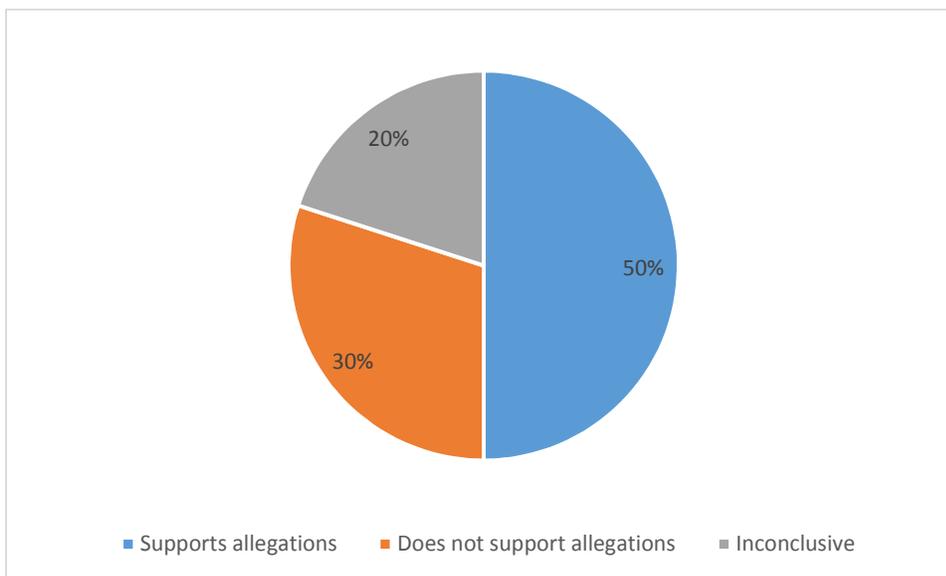


Figure 13: Results of Mortgage Lending Race Testing

Differences in treatment included:

- The African-American tester being told about a program for people with credit problems even though she told the loan officer she had a credit score that was higher than average. The White tester was not referred to a program for people with credit problems;
- The White tester was given a breakdown of closing costs in writing while the African-American tester was not; and
- In 40% of the tests the African-American tester was told she qualified for a smaller mortgage or a higher interest rate even when she had more income than the White tester.

In 60% of the tests, the Center tried to determine if loan officers would treat people differently just based upon the race of the tester. PT and CT told the loan officer they would be buying a home in the same geographic location. This testing showed differential treatment in 83% of the tests conducted. In 40% of the tests, the Center tried to determine if redlining was a problem.<sup>14</sup> In these tests, the African-American tester told the loan officer she wanted to buy in a predominantly African-American neighborhood while the White tester told the loan officer she wanted to buy in a predominantly White neighborhood. This change in methodology was designed to see whether the neighborhood in which the home would be located influenced the information given by the loan officer. This testing showed differential treatment in 50% of the tests.

### Mortgage Lending Race Testing Conclusions

The Center should continue mortgage lending testing in an effort to determine whether the new mortgage lending market is treating people of color in a discriminatory manner. The small number of tests and the number of variables at play in each test makes specific conclusions impossible.

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<sup>14</sup> Redlining is a policy in which banks and mortgage companies refuse to lend in areas with high numbers of people of color because these areas are considered high risk for lending.

## Systemic Testing of New and Emerging Issues

In 1988, Congress passed the Fair Housing Amendments Act which added familial status and disability status as protected classes. In the 27 years since the passing of that law, the Center and other fair housing organizations around the country have seen a dramatic increase in the number of complaints of disability discrimination. It has now passed race discrimination as the most frequently cited reason for calls to HUD's office of Fair Housing and Equal Opportunity. The Center undertook testing projects to determine the prevalence of two types of disability discrimination in Connecticut. One project looked at discrimination against people who are deaf or hard of hearing and the other looked at whether housing providers illegally required people to prove their ability to live on their own.

In addition to the disability testing projects, the Center also undertook the first testing project in the country to explore whether people who are transgender experience discrimination in housing. The testing project was designed not only to see how people were treated but also to help determine best practices when designing such a project.

## Deaf and Hard of Hearing Testing in Rentals

### Methodology

The Center worked with the National Fair Housing Alliance ("NFHA") and 11 other fair housing organizations from around the country to complete this testing project. The Center completed 22 paired tests during the course of this investigation.

The methodology is described in NFHA's report, "Are you Listening Now? A National Investigation Uncovers Housing Discrimination against the Deaf and Hard of Hearing"<sup>15</sup>:

Each organization conducted "matched-pair testing" by pairing one hearing tester and one deaf or hard of hearing tester, who were equally qualified financially to rent the apartment, who were seeking the same size apartment, and who had similar move-in dates. The testers documented their interactions with the housing managers and the treatment they experienced. Testers placed calls to the same rental firm, close in time, to inquire about the availability of apartments with the same number of bedrooms. Each tester's call to a single housing manager signified a "test part." The testing was conducted via telephone. The hearing testers spoke directly into the telephone; the deaf testers spoke through an interpreter using IP Relay.

This project utilized IP Relay as the communication platform for deaf and hard of hearing testers, which is one of several technologies used by deaf and hard of hearing persons. IP Relay allows a deaf person to converse over the telephone with a hearing person through an IP operator, who is acting as an interpreter. The deaf caller, through the use of a computer, instructs the operator to dial a specific phone number. Once the housing manager answers the phone, the operator immediately explains that s/he is calling on behalf of a person who is deaf or hard of hearing. The operator then asks if the hearing person is familiar with IP Relay and an explanation is provided, if necessary. For the purpose of this investigation, deaf testers began by explicitly stating that they were deaf and were interested in a particular-sized unit, to

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<sup>15</sup> The full report can be found at <http://nationalfairhousing.org/LinkClick.aspx?fileticket=kwDwDzIQuZY%3d&tabid=3917&mid=5418>

eliminate any doubt as to why the deaf person was calling via the IP Relay system.

The Center did not specifically target any geographic locations for this testing project. Rather, the organization chose larger housing providers who were likely to have staffed offices and the resources to train staff on how to comply with the fair housing laws. The towns where testing took place included Bloomfield, Enfield, Hartford, Norwalk, Stamford and Windham.

### Challenges

Before beginning this project, NFHA trained the Center and the other fair housing organizations on cultural issues confronting the deaf and hard of hearing community including information about the different languages used by people who are deaf or hard of hearing, the difference between a person who is deaf or hard of hearing, and how to use the IP relay system. Recruiting testers who are deaf or hard of hearing was also difficult in that the Center had to recruit not only the testers themselves but also had to find interpreters who would be available and willing to spend the two to three hours interpreting while the testing took place.

### Outcomes

The Center's outcomes for this project were similar to those of the other fair housing centers from around the country. The Center substantiated differential treatment in 27% of the tests whereas the other groups participating in this project substantiated differential treatment in 25% of the tests.

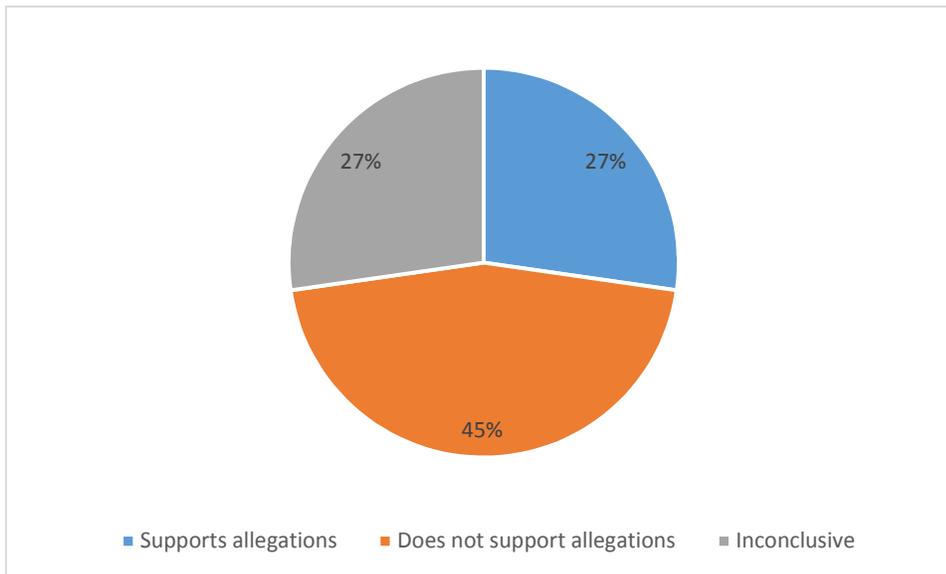


Figure 14: Deaf and Hard of Hearing Testing Results

Some differences in treatment included:

- Deaf testers were hung up on;
- In 31% of the tests, hearing testers were given more information about the complex and the application process than the deaf or hard of hearing testers; and
- A housing manager told a hearing caller about community amenities that the manager did not share with the hard of hearing tester. The hard of hearing tester was told on two different occasions to check the website for information about the complex instead of being given information over the telephone.

### Rental Deaf and Hard of Hearing Testing Conclusions

The Center found differences in treatment in 27% of the tests performed as part of this project demonstrating that people who are deaf or hard of hearing face obstacles in obtaining housing. In addition, the housing complexes tested here were chosen because they were large and/or were managed by a housing provider with a national or regional focus. Relative to its peers in the NFHA-led investigations, Connecticut has large numbers of rental units owned by small landlords with fewer than 5 rental units. A testing project focused on smaller owners may turn up different results.

## Independent Living Testing

### Methodology including geographic locations

According to the 2010 census, people with disabilities in Connecticut constitute 10.3% of the State's total population. The data on disability status makes clear the connection between disability and age. Only 3.5% of people 17 and under and 8% of people ages 18-64 have disabilities, while 31.4% of those 65 and over are people with disabilities. Largely because of this correlation to age, the population of people with disabilities is expected to grow significantly as the State's older population grows.<sup>16</sup>

Age Group	Total # with Disabilities	% of Population in Age Group with Disabilities
<b>Age 0 to 17</b>	28,732	3.5%
<b>Age 18 to 64</b>	179,340	8.0%
<b>Age 65 and Over</b>	159,485	31.4%

The Center has seen an increase in the number of calls from people living in age restricted housing who have been threatened with eviction because, in the opinion of the housing provider, the person is too disabled to live on their own in the complex. When the Center challenged one such decision in the case of *Laflamme v. New Horizons Village*,<sup>17</sup> the Connecticut Federal District Court held that the housing provider had violated the fair housing laws when it refused to allow Ms. Laflamme back into her unit because the housing provider considered her "too disabled."

Requirements by landlords that residents accomplish activities of daily living without assistance, such as cooking, medication management, and other aspects of self-care, discriminate against individuals with disabilities and impermissibly limit housing choice on the basis of disability. Policies and practices that require tenants to divulge details about their disabilities or to prove the ability to "live independently" also limit housing choice on the basis of disability. The mere stating of such a policy by a housing provider constitutes discrimination on the basis of disability by virtue of evidencing a preference against renting to individuals with disabilities and discouraging individuals with disability from applying.

The Center did both in-person testing as well as a review of applications, rules and policies, and information provided by the housing complex to investigate the policies of the housing providers. All complexes investigated advertised themselves as age restricted (62 and over or independent living or

<sup>16</sup> State of Connecticut Analysis of Impediments to Fair Housing Choice 2015, at 45.

[http://ct.gov/doh/lib/doh/analysis\\_of\\_impediments\\_2015.pdf](http://ct.gov/doh/lib/doh/analysis_of_impediments_2015.pdf)

<sup>17</sup> 605 F. Supp. 2d 378 (D. Conn. 2009).

retirement communities) and/or communities for people who were elderly or disabled. The Center investigated both subsidized and non-subsidized complexes.

For the on-site investigations, the investigator visited the property and asked for copies of all materials including brochures, applications forms, occupancy rules and any leases or materials occupants would be required to sign. In every investigation, the Center reviewed the housing provider’s website and any links to information about the admission and occupancy requirements.

### Challenges

The Center chose to focus on complexes that were not associated with assisted living facilities. While someone applying for an independent living unit should not be screened for disabilities when applying for any housing, it is possible that staff at a complex that includes assisted living facilities may be trying to inform the applicant of all of their housing options or to determine which part of the facility would be more appropriate for the applicant. Finding housing complexes that did not have long waiting lists and not associated with assisted living facilities was difficult and limited the number of places available to investigate.

### Outcomes

The Center’s investigation revealed that 71% of the housing providers had rules or policies that discriminated against people with disabilities.

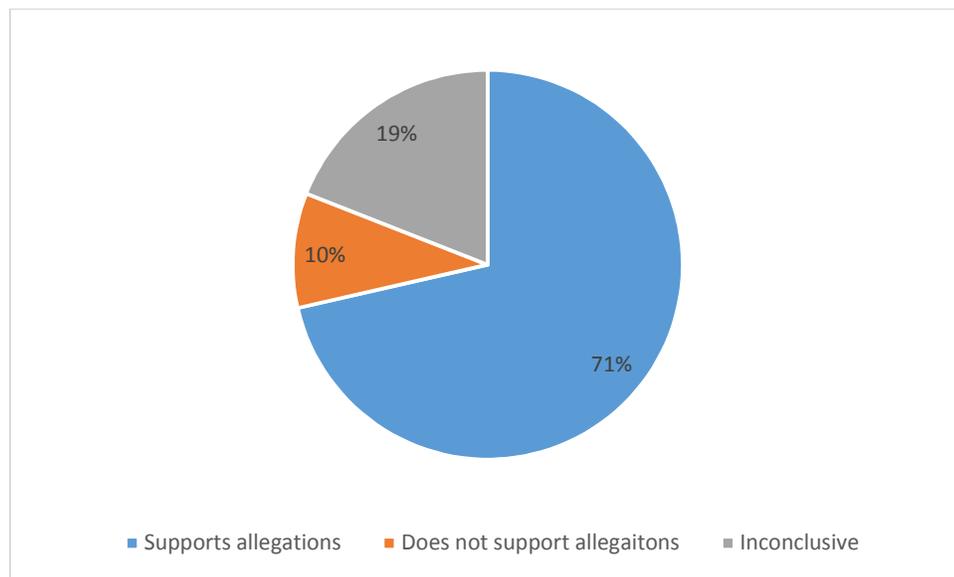


Figure 15: Independent Living Testing Results

The differences in treatment for this testing project were stark:

- In 19% of the tests, testers were asked about the health of the person who would be living in the unit;
- Ten testers were explicitly told that the person living in the unit must be able to live independently;

- Several complexes had rules requiring termination of occupancy if the person became ill, unable to dress, feed, take medication or ambulate independently regardless of whether the person was able to get assistance in performing such tasks; and
- Most facilities required that the applicant sign a release or permit the complex to speak to a doctor to determine if the applicant was able to live independently.

### Independent Living Investigations Conclusions

As Connecticut’s population ages the number of people with disabilities is growing as is their need for housing. Nursing homes are not a viable or desirable alternative for all people who are elderly or disabled since they take people out of their communities and cost more than private housing. It is therefore critical that housing which currently exists not be restricted to people who meet a level of independent living that is arbitrarily set by a housing provider. More work needs to be done to ensure that people with disabilities are not locked out of housing in communities across the State.

### Gender Identity Testing

#### Methodology including geographic locations

Before beginning this project, the Center contacted fair housing organizations around the country as well as LGBT rights groups to determine if such testing had been done in the past.<sup>18</sup> HUD’s most recently released testing report, *An Estimate of Housing Discrimination Against Same-Sex Couples*<sup>19</sup> investigated discrimination based on sexual orientation but did not investigate discrimination against people who are transgender.

In addition, the Center held more than 15 meetings with nearly 50 members of the transgender community in Connecticut to get input on their experience with housing discrimination and suggestions for the best way to design the testing project. The Center staff was trained on transgender cultural issues and, in turn, trained members of the transgender community on their fair housing rights.

Initial meetings with members and leaders of the transgender community led the Center to determine that testing should focus on transgender women. At the urging of transgender advocates, the Center attempted to use testers who are transgender as opposed to testers who would represent themselves as transgender. In addition, to avoid the issue of race discrimination, the Center decided to use White transgender women matched with White women testers. This resulted in the Center taking several months to recruit transgender women who were willing to reveal their status to housing providers.

#### Challenges

Because transgender people face such pervasive discrimination and hostility, recruitment of transgender testers was extremely difficult. Many transgender people were reluctant to “come out” to people they did not know and did not trust. In the end, the Center was not able to complete the project with a transgender woman but instead used a tester who is biologically female but whose gender expression is male. In each of the 10 tests completed, the transgender tester revealed his transgender status to the housing provider.

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<sup>18</sup>In February 2012, HUD issued a rule giving equal access to HUD programs regardless of sexual orientation or gender identity. 77 Fed. Reg. 5662 (February 3, 2012). In addition, HUD has indicated that it will treat complaints regarding sexual orientation, gender identity and gender expression as forms of sex discrimination.

<sup>19</sup> [http://www.huduser.org/portal/Publications/pdf/Hsg\\_Disc\\_against\\_SameSexCpls\\_v3.pdf](http://www.huduser.org/portal/Publications/pdf/Hsg_Disc_against_SameSexCpls_v3.pdf).

## Outcomes

All the tests revealed that the transgender tester was not given the same opportunity to rent as the non-transgender tester.

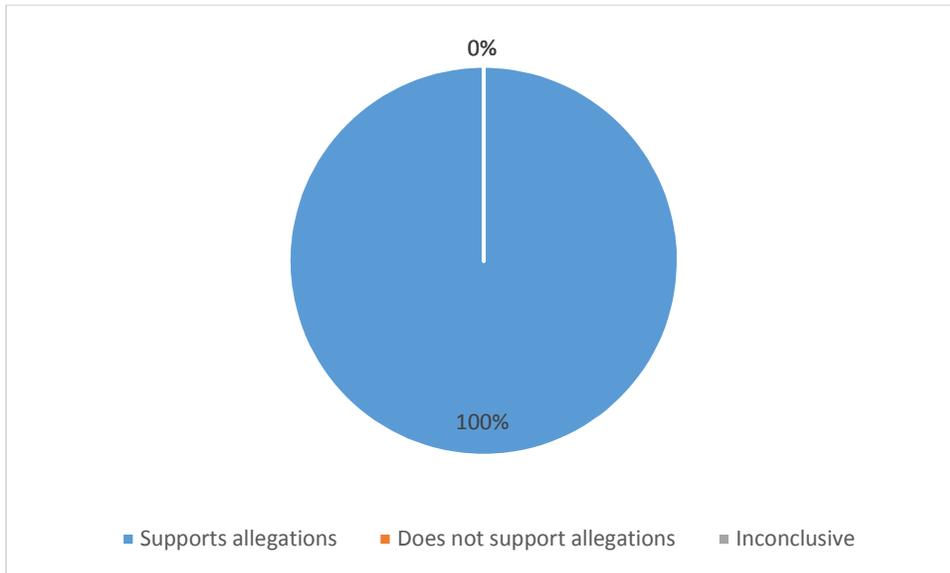


Figure 16: Results of Rental Gender Identity Testing

Unlike some of the other testing projects, the treatment by the housing providers tested here exemplified “discrimination with a smile.” The PT’s reports indicated the housing providers were pleasant and showed little or no reaction when the tester revealed that he was transgender. Yet the testing results show clear differences in treatment. Those differences include:

- In 60% of the tests the PT was told the rent was higher than the CT;
- The CT was told about more than twice as many units as the PT; and
- In 90% of the tests, the CT was told more about amenities and rental incentives than the PT.

## Rental Gender Identity Testing Conclusions

Since only ten tests were done, it is difficult to draw firm conclusions about the prevalence of housing discrimination against members of the transgender community but the extent of differential treatment in the limited sample suggests it is significant. The Center’s work on this project did provide important lessons for use in future testing. Recruiting testers who are transgender will have to be a more significant piece of any future testing project. In addition, testing based on other protected classes such as race or national origin and transgender status should be considered.

## Recommendations

### Homesales Race Testing Project

- To determine exactly why there were significant differences in the listings sent to the testers and in the homes shown to each tester as well as why there was such significant differences in the level of service given to African-Americans, the Center should conduct more homesales testing.
- The Center should also consider using testers with racially identifiable voices and/or racially identifiable names to determine if there are differences in treatment when the real estate agent knows the race of the tester earlier in the testing process.

### Rental Race Testing Project

- Since this project focused on geographic areas in the northern portion of the State, the Center should perform additional tests in other parts of the State to determine if African-Americans are subjected to the same differences in treatment in other parts of Connecticut.

### Mortgage Lending Race Testing Project

- The small number of tests and the number of variables at play in each test make specific conclusions impossible. The Center should continue mortgage lending testing in an effort to determine how the new mortgage lending market is working for people of color.

### Rental Deaf and Hard of Hearing Testing Project

- The housing complexes tested in this project were chosen because they were large and/or were managed by a housing provider with a national or regional focus. Connecticut has large numbers of rental units owned by small landlords with fewer than 5 rental units. A testing project focused on smaller owners may show different results.

### Independent Living Investigations Project

- Because Connecticut's elderly population is growing quickly it is critical that housing which currently exists not be restricted to people who meet a level of independent living that is arbitrarily set by a housing provider. More work needs to be done to ensure that people with disabilities are not locked out of housing in communities across the State and for those who find housing to be sure their privacy is not being violated by being required to provide private information to their housing provider.

### Rental Gender Identity Testing Project

- The Center's work on this project provided important lessons for use in the future. Significant time to recruit testers who are transgender must be a priority. In addition, testing based on

overlapping protected classes such as race or national origin and transgender status should be considered.

- During the course of this testing project, the Center received anecdotal reports from people who are transgender about difficulties in getting mortgages and in buying homes. Gender identity testing of the mortgage lending and homesales market should also be considered.