



2018 TESTING PROGRAM REPORT



The Seattle Office for Civil Rights (SOCR) envisions a city of liberated people where communities historically impacted by racism, oppression, and colonization hold power and thrive. SOCR’s mission is to end structural racism and discrimination through accountable community relationships and anti-racist organizing, policy development, and civil rights enforcement.

What is the housing testing program?

Our housing testing program aims to eliminate bias and discrimination in Seattle’s housing market. We educate landlords and tenants and work with community organizations to support outreach. Bias may result in discriminatory practices. However, these practices can be subtle and challenging to notice and report. Our testing program helps us see what bias looks like in Seattle’s rental housing market.

What was our focus in 2018?

In 2018, we tested for discrimination/different treatment in two areas: 1) criminal background, and 2) race.

For testing in criminal background, we looked at whether housing providers were following the new Fair Chance Housing ordinance. This law makes it illegal to conduct a criminal background check or use someone’s criminal history as a reason to deny rental housing, except in very specific circumstances.

We also looked at race by testing whether African-American potential renters were treated differently in their search for housing than potential renters who were not African-American.

The testing program conducted 179 tests.¹ The tests were conducted by trained testers who contacted rental properties in Seattle by phone or in-person. In 42 tests the housing provider was found to be in violation of the law. Of those 42 tests:

- 50% of housing providers received a letter giving them the opportunity to show they are following the law
- 31% were offered training on the rental laws in Seattle
- 19% were charged based on an egregious violation of the law.

Criminal Background

Testing for compliance with the Fair Chance Housing law began in late May 2018, just a few months after the law took effect. Under this law, a housing provider may not require disclosure, inquire about, or use someone’s criminal history as a reason to deny them housing or impose additional obstacles to renting.

The testing program used trained testers to contact properties to test whether having a criminal background might

have an impact on someone’s access to housing. In the tests, there were several common ways housing providers failed to follow the Fair Chance Housing law after the tester disclosed they had a criminal history:



1. Asking Questions. The housing provider asked questions about the prior crime:

- Were you charged?
- What happened?
- Was it a mistake or did you actually do it?

2. Statements. The housing provider made statements indicating a criminal history might be a problem:

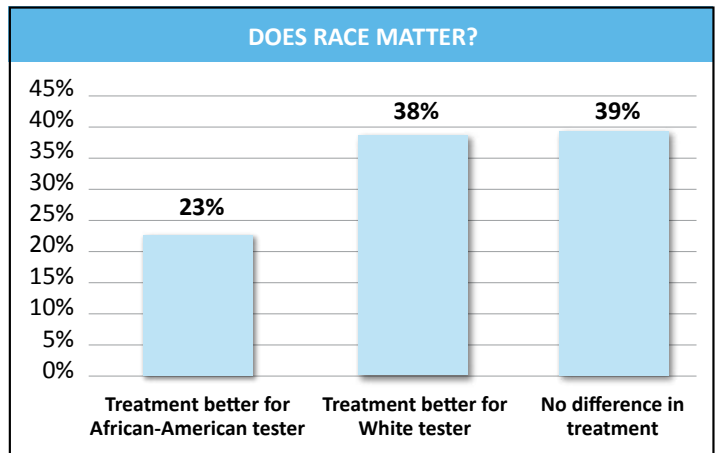
- You will not be able to rent here.
- Felonies are bad.

¹ This total includes instances where a single property was contacted multiple times.

- I would need to know more details to decide.
- The criminal history is fine unless you were recently released.
- There might be a higher down payment required.

3. Lack of Knowledge. The housing provider said they did not know if having a criminal history would make it harder to qualify for the apartment, such as: I don't know all the rules because a screening company does the background check.

4. Written criteria/application. The housing provider's rental criteria or application included questions or information about screening for criminal history and/or crimes that may lead to an application being denied.



Conclusion

Negative stigmas around criminal history showed up in our tests, along with the use of policies and rental criteria that is not allowed under the Fair Chance Housing law. Often housing providers stated they did not know if a criminal history would mean the applicant would be unable or less likely to qualify for the apartment.

We offered education and training to housing providers about the legal requirements for rental housing to ensure their business complies. We also gave housing providers the opportunity to demonstrate they had made changes to their policies to comply with the law. This approach serves the public interest in providing people with a criminal history an opportunity to obtain rental housing.

Racial bias is still showing up in subtle ways. In reviewing the results, we observed a continued need to educate housing providers. We also observed persistent bias and discriminatory practices in the treatment of African-Americans seeking rental housing in Seattle.

An individual renter would not know they were receiving lesser treatment compared to someone else, whether it was information about special deals or unit availability. The lack of affordable housing is Seattle's current reality. Access to information, such as unit availability and special deals, make a difference in the lives of those we serve. Having a unit available for the right price, at the right time, can change the path of a person's life.

The ways bias influences who receives certain information and who benefits matters, which is why understanding our rental housing market is important and testing plays a crucial role in our work.

Race

To look for differences in treatment based on race, two testers contacted a property in-person and reported back regarding their experience and treatment. One tester was African-American and the other was not. The experiences were compared to see if there was a difference in treatment. The testers are trained, carefully paired, and matched to control for all essential differences except the difference that is being measured.

WHAT DOES DIFFERENT TREATMENT LOOK LIKE?

Different treatment is where only one tester:

- Received more follow-up emails or phone calls
- Received more information about:
 - Special deals
 - Available units
 - Future unit availability
 - Fees and deposit details
 - Encouragement to apply

When two testers contacted a rental property, differences in treatment were observed between the experiences of the testers in 32 out of 53 tests.

