

FAIR HOUSING MANAGEMENT CONSULTANTS

PRINCE WILLIAM COUNTY

FAIR HOUSING RENTAL TESTING REPORT

5/23/2022

TABLE OF CONTENTS

	Page
Introduction	1
The County’s Role in Challenging Housing Bias.....	1
Fair Housing Testing.....	1-2
Federal, State and County Fair Housing Laws	2-3
Legal Precedents Establishing Housing Bias.....	3
Development of a County-Wide Testing Effort	3-6
Analysis of Test Results.....	6-8
Appendix A	9
List of Tested Apartment Complexes.....	10-11

Prince William County Human Rights Commission

The Human Rights Commission consists of nine at-large members appointed by the Board of County Supervisors (BOCS). Commissioners advise the BOCS on issues pertaining to human and civil rights enforcement and concerns that arise in the community.

Human Rights Commission

Curtis O. Porter, Chair

Evelyn BruMar, Vice Chair

Ramunda Young, Parliamentarian

William Johnston, III, Commissioner

Tonya James, Commissioner

Dr. Erika Laos, Commissioner

Padreus D. Pratter, Commissioner

Christopher Lee, Commissioner

Aaron Muz, Commissioner

Human Rights Staff

Raul Torres, Executive Director

Shelia Venning, Manager

Tiffany Jones, Admin Support

INTRODUCTION

Fair Housing Management Consultants (“FHMC”) entered into a contract with the Northern Virginia Regional Commission on March 8, 2022 to provide testing services to Prince William County. The testing services are set forth in the Project Work Plan of the contract. Sixty-five (65) rental tests were conducted in accordance with that contract at apartment complexes located in various zip codes in Prince William County. Oversight of the testing project was maintained by the staff of the Human Right Commission (“Staff”). Appendix A sets forth the testing sites. However, the test sites set forth in Appendix A are not listed in the actual order in which they were tested.

THE COUNTY’S ROLE IN CHALLENGING HOUSING BIAS

The legal authority for a local government’s role in challenging discriminatory housing practices was established by the United States Supreme Court’s decision in *Gladstone Realtors v. Village of Bellwood*, 441 U.S. 91 (1979). This decision affirmed that a local government has standing to challenge racially discriminatory housing practices under Title VIII of the Civil Rights Act of 1968, the Fair Housing Act.

FAIR HOUSING TESTING

Tester corroboration has become an accepted investigative tool used by administrative agencies at all levels to enforce fair housing laws. In 1982, the United States Supreme Court stated that, under certain circumstances, testers have the right to sue under the federal Fair Housing Act. *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982).

Testing is a method to determine whether or not a home seeker is treated differently in his or her search for housing. A person's race, for example, would be an impermissible factor in denying an opportunity to rent an apartment. Testers in housing discrimination cases have been defined as "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 unlawful discriminatory housing practices." *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 373 (1982). The experiences of testers are used to compare the treatment of one home seeker (protected class) to another (non-protected class). In this context, testing measures the difference in treatment afforded a home seeker as determined by the information and services provided by property management firms, rental agents, and others.

FEDERAL, STATE AND COUNTY FAIR HOUSING LAWS

The federal Fair Housing Act outlaws discrimination in renting or purchasing a home or financing a home mortgage based on race, color, religion, national origin and sex. The federal law was amended in 1988 to include familial status and handicap as protected classes.

The Virginia Fair Housing Law mirrors the federal law and contains the additional protected class of elderliness, sexual orientation, gender identity, source of funds and status as a veteran. The United States Department of Housing and Urban Development ("HUD") is authorized to review local and state fair housing laws to make a determination of whether these laws contain rights and remedies for alleged discriminatory housing practices that are substantially equivalent to those provided in the federal law. Once a local or state enforcement

agency has been certified, HUD will refer complaints of housing discrimination to the certified agency for investigation and resolution. HUD has made a determination that the Virginia Fair Housing Law is substantially equivalent to the federal law.

The Prince William County fair housing ordinance contains the additional protected classes of age and marital status. The County ordinance does not provide the same remedial relief as provided under both the federal and state Fair Housing Laws.

LEGAL PRECEDENTS ESTABLISHING HOUSING BIAS

The courts have established two ways of proving housing discrimination. Discriminatory housing practices are defined below.

- * Disparate (Unequal) Treatment - Evidence of disparate treatment occurs when a housing provider treats home seekers differently, for example, on the basis of their race. Fair housing testing is designed to uncover disparate treatment. This is the most common evidence uncovered by fair housing testing.
- * Adverse Impact - Evidence of adverse impact occurs when housing providers have policies, practices or procedures that, for example, disproportionately limit the ability of protected class members to obtain housing. If the effect of such a policy, practice or procedure adversely impacts members of a protected class, it would violate the fair housing laws.

DEVELOPMENT OF A COUNTY-WIDE TESTING EFFORT

A total of sixty-five rental tests were conducted at apartment complexes located in various zip codes in Prince William County. Thirty (32) tests were conducted at apartment complexes based on race (Black/White testers) and thirty (33) tests were conducted at apartment complexes based on national origin (Hispanic/White testers). All of the apartment complexes tested contained over 100 units. There was an aggregate of 14,267 units for all the apartment complexes tested.

A master testing schedule was developed, a tester pool was established and training was undertaken on March 20, 2022. Testing began on March 21st and concluded on April 4th, 2022. The testing results are discussed in Analysis section of this report.

Testing Site and Characteristics Assignments

As previously discussed, the purpose of testing in the Prince William County testing project was to determine how Black and Hispanic testers were treated at apartment complexes located in the County. This is done by pairing two testers who are matched as equally as possible to each other except for the material factors of race and national origin. The characteristics that relate to the rental qualification processes were matched as closely as practical for each tester. This included matching, for example, the income, employment background and prior housing history of the testers.

It is important to minimize, as much as possible, variables that are extraneous to what is being tested (differences in treatment based on race and national origin). Generally, it is necessary for testers to assume characteristics other than their own. Testers are, in fact, playing a role during the test.

The Site Visitation Assignment Form

Site Visitation Assignment Forms were developed for each of the 65 tests. This form indicates the type of housing that the tester is looking for (two-bedroom apartment and the move-in date for example). The form also indicates the tester characteristics that are required for the completion of the test, for example, income and prior housing history. Slightly superior qualifications were assigned to the protected class testers (Black and Hispanic testers) to assist in

determining whether differences were the result of the tester's status as a member of a protected class. Personal characteristics, for example, the sex and marital status of the testers were also matched. Also, all testers were instructed to inquire about rent specials when visiting the rental office. A rent special, for example, could range from a waiver of the security deposit to one month's free rent.

The testers were sent to the same apartment complex on the same day, usually 1 to 2 hours apart. Generally, the testers were instructed to have the protected class tester visit the rental office first followed thereafter by their teammate. The tester teams were assigned to express interest in renting the same type of apartment and move-in date. In the race and national origin tests, both members of the tester teams posed as being married with no children and stated that they were looking for a two-bedroom apartment for April 15, 2022.

Tester Training

All testers were required to attend a training session. FHMC conducted a training session on March 20, 2022. Pretest training serves to enhance the credibility of the testing process and diminish the likelihood of deviation from controlled factors. Testers are oriented as to what is expected of them when conducting a test. Tester training included instruction in the following areas: (a) brief discussion of federal, state and local fair housing laws; (b) what testing is; (c) playing the role of a tester; (d) conducting the test and (e) the debriefing process. These, of course, were not the only components of the training, but were critical to the process of preparing the testers.

The training also provided an opportunity to thoroughly familiarize the testers with all of the testing forms. The training also emphasized the importance of timeliness in the completion of the forms in order to insure the validity of the testing process.

Debriefing Process

The testers were generally debriefed each day after completing their assigned tests by the contractor, FHMC. The debriefing interview is a mechanism to ensure that the testing experience is being reported accurately and objectively. During the debriefing interview FHMC carefully reviewed the Tester Report Form with each tester. Particular attention was given to the narrative portion of the form. Any corrections and additions to the report form are made by the testers during the debriefing session. Each member of the tester team was debriefed separately. Debriefing each tester separately maintains the confidentiality and objectivity of the testing results.

ANALYSIS OF TEST RESULTS

Each test was analyzed individually to ascertain if there were any differences in treatment accorded, for example, to the Hispanic and White members of the tester team. The tester teams were assembled based on the protected class sought to be tested along with a visibly matched team apparent to the housing provider upon meeting each team member. Because the nature of housing discrimination is often subtle, care was given to insure that the matching tester teams looked to the provider as the same in every material way except for the protected-class status being tested, race and national origin.

Rather than categorizing one aspect of the test as showing a difference in treatment, the tests were analyzed as a whole to put the totality of treatment afforded to each tester in context. By doing so, the variables looked for would be clear and, if no variation in treatment existed, such conclusions would be equally clear.

It is important to note that, because the rental tests did not include having the testers complete a rental application or participate in the subsequent qualification process at any of the apartment complexes tested, the tests could only measure the initial contact the testers experienced in the leasing office. The tests were designed to measure differences in treatment based on the availability of a two-bedroom apartment unit requested by the testers and the corresponding treatment concerning the issue of availability received by the testers. Thus, while this aspect of testing is critical in understanding how persons are treated at the initial stage of home seeking, it cannot tell the complete story of how individuals are processed and what their ultimate treatment will be. Notwithstanding, experience dictates that the initial contact with and treatment by a housing provider are often where most problems arise when it comes to housing bias. Thus, initial experiences in ascertaining availability remain important factors in determining if housing bias is practiced.

Review of the Test Results

A review of the rental tests in the most recent battery of testing showed that there were no differences in treatment found in either the race or national origin tests.

A review of the rental tests paints a picture of a very tight housing market which is consistent with local and national trends. The tests were structured to have each tester team request a two-bedroom apartment with a move-in date of April 15, 2022 when visiting the rental

office. Both tester teams were told that no two-bedroom apartments were available on the April 15 move-in date for over half of the rental tests conducted. Specifically, thirty-four (34) of the sixty-five (65) rental tests conducted had no vacancies for the requested move-in date (April 15th). In seven of these thirty-four tests the tester teams were told a two-bedroom apartment was available on the date of the test which was earlier than the requested move-in date. In twenty-seven of the thirty-four tests the tester teams were told that a two-bedroom apartment would be available after the requested move-in date. For example, a number of tests revealed that a two-bedroom apartment would not be available until June and even next September.

As previously noted, the testers were instructed to inquire about rent specials when visiting the rental office. The testing results showed that all tester teams were told about rent specials in eight of the sixty-five rental tests. For example, in one test the testers were told that the amenity fee would be reduced. No test revealed a rent special that offered one or two months free or reduced rent. In past testing cycles, these more generous types of rent specials were more common. The low number and type of rent specials offered to the tester teams in this testing cycle also appears to be consistent with a tight housing market.

APPENDIX A

APARTMENT COMPLEXES TESTED IN PRINCE WILLIAM COUNTY

(Sites are not listed in the order that they were tested)

List of Apartment Complexes

Apartment Complexes & Zip Code

Orchard Mills Apartments	22193	Oasis at Montclair Apartments	22025
Potomac Ridge Apartments	22191	Shenandoah Station in the Park	22172
Woodwind Villa Apartments	22191	Wyndham Point	22026
Rolling Brook Village Apartments	22192	Virginia Commons Apartments	22026
Windsor Park Apartments	22192	The Preserve at Catons Crossing	22192
Long View Apartments	22191	Riverwoods at Lake Ridge Apartments	22192
Riverside Station Apartments	22191	Reids Prospect Apartments	22192
Landing @Markham Grant	22191	Dominion Lake Ridge Apartments	22192
The Flats @Neabsco	22191	Woodlee Terrace Apartments	22192
Linden Park Apartments	22172	Dale Forest Apartments	22193
The Sutton Apartments	22191	Broadstone @River Oaks Apartments	22026
Signal Hill Apartments	22191	Rivergate North Apartments	22191
River Oaks Apartments	22191	Bayvue Apartments	22191
East Gate Apartments	22172	Woodbridge Station Apartments	22191
Quantico Court Apartments	22172	Kensington Place	22191
Shorehaven Apartments	22026	Summerland Heights Apartments	22191
River Woods Apartments	22191	Springwoods Lake Ridge Apartments	22192
Misty Ridge Apartments	22191	Stone Pointe Apartments	22191
Meridian Bay Apartments	22191	Woodbridge Forest Apartments	22192

Continued Apartment Complexes & Zip Code

Elevation One	22191	Bell Stonebridge Apartments	22191
Enclave at Potomac Club Apartment	22191	Potomac Vista Apartments	22191
Stoney Ridge Apartments	22193	Glen Ridge Commons Apartment	22193
County Center Crossing Apartments	22193	Dominion Middle Ridge Apartments	22192
Princeton Woods Apartments	22026	Melrose Apartments	22172
Townsquare @Dumfries	22172	The Crossing at Summerland Apartments	22191

*This project was made possible by a generous grant from the
United States Department of Housing and Urban Development through the
Prince William County Office of Housing and Community Development*

