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Portland housing audit finds discrimination in 64 percent of tests; city has yet to act against landlords

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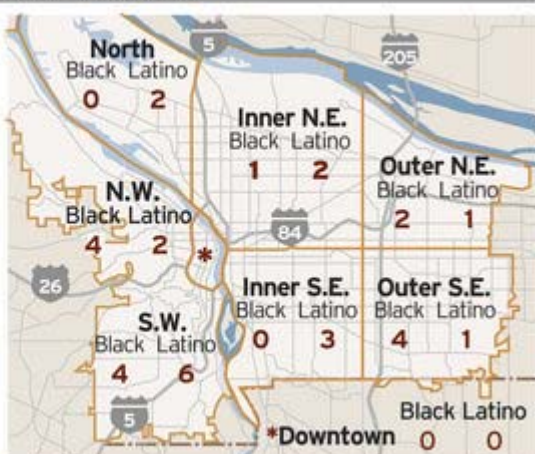


Nikole Hannah-Jones, The Oregonian

By

Housing discrimination

Of 50 tests across Portland, 32 detected discrimination against African American or Latino renters. Numbers indicate incidents of discrimination by city area.



Source: Fair Housing Council of Oregon

DAN AGUAYO/THE OREGONIAN

In its first-ever audit to test whether black and Latino renters face barriers in the housing market, Portland found that landlords and leasing agents discriminated in 64 percent of 50 tests across the city.

But Portland, which released the results last month, has not gone after the landlords who discriminated or even notified them they were tested, though such discrimination violates local, state and federal fair-housing laws.

City Commissioner Nick Fish, who oversees the **Portland Housing Bureau**, said he was

"outraged by the results." But he emphasized that

stopping discrimination must include education and cooperation with landlords, not just enforcement.

Asked last week whether the city will go after the landlords found in violation, he said: "That's not the right question. The intent is to do a balanced approach. I have concluded that the best approach is to look at changes to the system and not just individual remedies."

Monday night, responding to inquiries for clarification, he said in a memo: "We have always intended to pursue enforcement actions against select landlords tested in the audit process." He provided no details or timeline, though the city's time to build cases is running low.

Margaret Van Vliet, Housing Bureau director, acknowledged that her agency did not ask the **Fair Housing Council of Oregon**, which conducted the testing, to seek enforcement against discriminatory landlords. That "wasn't part of the contract scope," she said, but added that punishment remains a possibility.

"We take this seriously, and we are working it (the results) through the process," Van Vliet said. "I am not opposed to going after the ones that were blatantly breaking the law."

The idea of doing anything less angers a national housing advocate.

"There should be consequences when you violate a federal or state law," said Shanna Smith, president of the **National Fair Housing Alliance** in Washington, D.C. "I find it unconscionable for a city to supply the money for the audit and then not enforce the law."

The city paid the Fair Housing Council of Oregon, a nonprofit, \$19,000 to conduct the testing last summer. It is part of an analysis Portland must complete every five years to show it's trying to reduce housing discrimination and to keep \$9 million to \$11 million in annual federal grants.

Van Vliet said the agency decided to include audit testing for the first time after seeing the results of audits elsewhere in the state. Audits in 2009 found that landlords discriminated against African Americans in two-thirds of the tests in Ashland and 78 percent of tests in Beaverton.

The **43-year-old U.S. Fair Housing Act prohibits housing discrimination based on race, national origin, religion, sex, family status and disability**. Oregon and Portland laws add sexual orientation, marital status, source of income, military status and domestic violence victims.

To test for discrimination, the Fair Housing Council sent a black or Latino tester and a white tester to answer rental ads. The testers are trained actors who are given a similar script about their employment history, family and incomes. The discrimination occurred at the initial meeting without leasing agents or landlords running background, credit or criminal history checks.

Latinos were treated differently in 17 of 25 tests, and African Americans in 15 of 25. They were quoted higher rent and deposits, for example, or given additional fees, not offered applications or move-in specials, or shown inferior units.

The **U.S. Department of Housing and Urban Development** estimates that 4 million people a year experience housing discrimination nationally, but the agency receives only about 30,000 complaints because many people don't know they've been treated differently or don't think anything will be done.

In 2010, the Fair Housing Council received 290 complaints. Since 2009, the agency has received 148 complaints from Portlanders.

That's why fines, penalties and sometimes lawsuits are critical, Smith said. "We can do all the education we want, but that doesn't make a difference without enforcement," she said.

Smith said drops in enforcement in cities such as Washington, D.C., has led to audits finding higher rates of discrimination.

Moloy Good, director of the Fair Housing Council of Oregon, said it's not unusual for Oregon cities to ask his agency, as part of their contracts for audits, to not go after landlords.

The agency, funded by federal and local governments, has a year to pursue enforcement, he said, but going against a city's wishes could jeopardize local funding.

"That hasn't happened," Good said. "But it could. It's a real possibility."

Smith said many cities are reluctant to fight what can be a powerful real estate industry.

"Some of those apartment owners fund local campaigns," she said. "It's very hard to bite the hand that feeds you."

Deborah Imse, executive director of the **Metro Multifamily Housing Association**, which represents landlords, is pushing for more education and outreach. Imse sits on the city committee studying impediments to fair housing as part of the federal requirements. The group will make recommendations on addressing problems, though its draft report doesn't mention the audit.

"I would have liked to have seen different results," Imse said. "While we've done a lot around fair housing education, there is still more work to be done. Our organization is going to rev up even further our educational opportunities for our members."

--Nikole Hannah-Jones

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