



PLEASE NOTE: As much as the FHCO appreciates the media coverage received, there was unfortunately a misquote in the following article.

Landlords are *not* required to rent to the first qualified applicant. It is something we *encourage* landlords to do.

Please see a related FHCO article on the matter at www.FHCO.org/pdfs/articles/RentingTo1stQualified.pdf.

Valley & State

FAIR HOUSING LAWS

'Icky feeling' isn't enough

Landlords — despite misgivings they may have — often must rent to the first qualified applicant

By [Hannah Guzik](#)

Ashland Daily Tidings

April 26, 2010 9:20 AM

Ashland resident Sierra Campbell, a mother of two young children, is caught in a fair-housing quandary.

Campbell and her husband are trying to sublet a cottage behind their home on Oak Street. They want to follow fair housing laws, but they also want to select a tenant they feel comfortable having live near their children, age 2 and 4, she said.

According to fair housing laws, the Campbells are required to select the first qualified renter who applies for the \$600-a-month cottage, said Moloy Good, executive director of the Fair Housing Council of Oregon.

"Landlords need to not discriminate," he said. "There are no exceptions, even the 'I had an icky feeling' one."

Since the results of a housing council study conducted in Ashland were announced to the public last week, many residents have expressed outrage at the high rate of discrimination cited in the study.

Mayor John Stromberg has called on residents to learn about fair housing laws and reduce discrimination in Ashland. State and federal fair housing laws prohibit discriminating against someone based on race, color, religion, sex, sexual orientation, disability, familial status, national origin, marital status and source of income.

But following fair housing laws — which do not allow landlords to handpick tenants — can, at times, be challenging, several Ashland landlords said.

"It has left us in many binds," Campbell said. The couple is also renting out their home in Lake Tahoe, Calif., while Campbell attends nursing classes at Southern Oregon University, she said.

"I've really learned that you've got to go with your gut, but it makes it difficult because if you choose not to rent to someone you need to have a reason, and it has to be a reason that's legally OK. You can just say, 'I didn't like you.' "

The study, commissioned by the city, showed a "shockingly high rate of discrimination" against blacks seeking to rent housing in Ashland. The report, completed in June, found that six of nine landlords

expressed racial bias when showing a rental to a black tester.

Researchers also found that three of seven testers with children and three of seven with disabilities, or about 43 percent in each category, received discriminatory treatment.

Phil Weiss, who has been a landlord in Ashland for 20 years, said he completes background and reference checks on potential tenants to screen applicants.

"I've been doing it for a lot of years and I do get feelings about people one way or another, which is why you have applications and you call former landlords. Often you have a good indication what the bad feeling is about, and you try to look into it and see what you can find. It's not a science."

Weiss said landlords can feel conflicted about following the fair housing laws if a renter's application is clean but the landlord has misgivings about having the person as a tenant.

"I think that's always the case — you want to do the right thing and, on the other hand, you also want to protect yourself," he said.

Like the Campbells, Weiss rents some property adjacent to his Ashland home, he said.

"If it's something that's right next-door to your home, you'd like to have someone who you're compatible with or at least comfortable with," he said.

Landlords shouldn't treat rental application processes differently based on the location of the property, Moloy said.

"Whether or not you're living near where the rental is, is largely an irrelevant matter as far as fair housing is concerned," he said. "The law says you can't discriminate."

Longtime Ashland landlord Philip Lang, who owns 13 units in Ashland, said he doesn't believe in basing renting decisions on feelings.

"How can you have a bad feeling about someone you've only met for five minutes?" he said. "Is it maybe because the people are black or because they've got kids in the backseat? That's unconscionable."

SOU English professor Alma Alvarez, who is Latina, said she felt discriminated against by a property management company in Ashland 13 years ago. The company told Alvarez and her husband that a home was available, but when they showed up to tour it, an official was reluctant to give them an application and told them someone else had already put down a deposit, she said.

"Clearly there was a difference in the way that we were treated compared to the other people there, who were all white," she said.

Although she believes people can have intuitive insights, it can be difficult to determine the difference between intuition and racism, she said.

"We have the laws in place because, how do we know it's a bad feeling and not something that someone's been socialized to think about a group of people?" she said.

Minority groups still encounter discrimination in Ashland, Alvarez said.

"Unfortunately our experiences of being treated differently are not limited to housing experiences," she

said. "Sometimes those of us that are different in some way or another don't necessarily always have an easy time, even in places like Ashland."

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Study of fair housing laws in Ashland details racial bias

The Fair Housing Council of Oregon found that six of nine landlords, or two-thirds, expressed racial bias when showing a rental to a black tester.

As part of the study, the Fair Housing Council sent employees in spring 2009 to inquire separately about housing listed for rent. The only significant difference between the two testers, who were both women, was their race, according to the housing council. The testers were not aware they were testing for racial discrimination and they completed each test independently of one another, the housing council said. Afterward, the testers compared notes.

The findings suggested black renters faced a chilling effect from the six landlords, according to the housing council. "Applicants' sense of being welcome in the complexes was, at least in part, based on the color of skin," the study states.

Below is the housing council's summary of the six Ashland tests that indicated racial discrimination:

- Test 1: Although both the black tester and the white tester were given the same information, the white tester was given the information in a more professional manner. While the white tester was given a folder containing color documents including floor plans, tenant information, resident services and multiple applications, the black tester was simply given an application and a copy of tenant information. This differential treatment shows that the agent was putting forth a better effort to rent the unit to the white tester.
- Test 2: The black tester was not told about the move-in special. In contrast, the white tester was told that if she moved in now, the rest of the month was free.
- Test 3: The black tester was told a higher amount for rent and move-in cost. The agent also told the black tester what background checks would be performed and told her she needed to send in credit card information with application. The white tester was not told about any background checks, nor was she told to submit her credit card with her application.
- Test 4: The agent spent very little time with the black tester. The black tester was told to have a look around the unit without the agent, while the white tester was given an accompanied tour. The black tester also was told that she needed to leave her ID with the front office for security while the white tester was not held to such a requirement. Finally, the white tester was told about amenities such as the presence of an on-site pool and hot tub, while the black tester did not receive that information.
- Test 5: The black tester was told a higher amount for rent and move-in cost. The black tester was told that rent and deposit were \$850, while the white tester was told that the amount was \$675. The agent also did not spend any time asking questions about the black tester but spoke more with the white tester. The white tester was offered other units.

- Test 6: The white tester also was offered another unit, while the black tester was told no other units were available.

To read the complete report, see www.ashland.or.us/Files/Ashland%20AI%20Final.pdf