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Outside report defends test results by Fair Housing Council of Oregon

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By Brad Schmidt, The Oregonian



Benjamin Brink/The OregonianCity

Commissioner Nick Fish will listen to a committee before determining what agency should conduct audit testing.

A new report comes to the defense of the **Fair Housing Council of Oregon**, whose testing last year tracking possible discrimination in Portland's rental market had been discredited.

An outside expert, paid by the council, backs up overall conclusions that minorities faced disparate treatment. But it also confirms some sloppy reporting by staff members at the Portland nonprofit.

The review may mend the relationship between the council and the Portland Housing Bureau, which paid for the 2010 testing. It also could put a new round of testing back on the fast track for completion by June, although officials have yet to contract with an outside agency and are already halfway through the fiscal year.

"It's my hope it will happen expeditiously," said Portland **Commissioner Nick Fish**, who oversees city housing. "It will happen before then. The only question is, who does the testing?"

Results from the city's first-ever audit by the council found that black and Latino testers posing as renters faced some form of differential treatment in 64 percent of 50 cases throughout Portland. Such apparent discrimination violates local, state and federal law. City officials released the results in April but quickly went on the defensive when Fish didn't push for enforcement against landlords.

In the face of community outrage, Fish and housing officials said they always intended to enforce violations of fair housing laws, although city documents suggested otherwise. State investigators looked into pursuing enforcement but said they couldn't because the council's report had mistakes and faulty conclusions, and didn't meet the high bar needed for such action.

Fish and other city officials, in turn, blamed the council for not meeting standards.

"Unfortunately," Fish wrote in August, "we came to the conclusion that the audit results were unreliable."

The new report, completed last month by the executive director of Illinois-based **HOPE Fair Housing Center**, defended the local analysis.

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Anne Houghtaling, an attorney and former director of fair housing investigations, wrote that the council made "notable errors in summarizing the test results" of two cases, which she said caused "confusion and should have been avoidable."

But she disagreed that those two tests should be entirely disregarded and found that the agency's methodology for phone and in-person testing was appropriate. She also supported the council's findings of differential treatment of black and Latino testers.

Fish said he stood by his "unreliable" comment, which he said he based on a final report that included substantial mistakes. Still, Fish said the new report is a "very positive development" to improve the relationship with the council.

An advocacy committee will determine how to move forward with audit testing, which according to the city's new plan is supposed to happen each year. The committee, first proposed by Fish in June, met for the first time last week. Officials haven't identified who might conduct the testing.

Moloy Good, executive director of the Fair Housing Council, said the city has not asked his organization for more testing but may pay for community outreach.

"It's certainly possible that audit testing could be part of the work that's done this fiscal year," Good said. "But if something doesn't get decided soon, that's maybe something that has to wait."

Good acknowledged reporting mistakes and said future efforts will include stronger quality controls. He said the outside analysis, which cost about \$5,500, shows that the original results were valid.

"The bottom line," he said, "is housing discrimination is a problem that exists here in Portland."

-- **Brad Schmidt**

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