

# DISCRIMINATION



## AGAINST PERSONS WITH DISABILITIES: Testing Guidance for Practitioners



U.S. Department of Housing  
and Urban Development  
Office of Policy Development  
and Research

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## AGAINST PERSONS WITH DISABILITIES TESTING GUIDANCE FOR PRACTITIONERS

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## 1. BACKGROUND AND INTRODUCTION

Housing discrimination against persons with disabilities has become an increasingly important issue in fair housing enforcement. Since 1988, when disability was added to the Fair Housing Act as an illegal basis for housing discrimination, the percentage of complaints filed with the United States Department of Housing and Urban Development (HUD) alleging disability discrimination has steadily risen.<sup>1</sup> Since 1993, complaints alleging disability discrimination have been the most or second most common type of fair housing complaint received by HUD.

Although the percentage of fair housing complaints based on disability is increasing, only slightly more than half of Americans know that it is illegal for landlords to refuse to make reasonable accommodation for persons with disabilities or to permit reasonable modification to a housing unit.<sup>2</sup> A number of fair housing and disability rights organizations have addressed disability discrimination by conducting investigations, filing complaints, and testing for violations of the Fair Housing Act's design and construction requirements on behalf of persons with disabilities. However, few organizations have conducted significant numbers of tests for other types of housing discrimination based on disability, and even fewer have used persons with disabilities as testers.

### 1.1 Disability Discrimination Study Overview

The U.S. Department of Housing and Urban Development (HUD) contracted with the Urban Institute (UI) to advance the state-of-the-art in testing to measure discrimination against persons with disabilities for both research and enforcement purposes. Because the population of persons with disabilities is diverse, and the challenges for effectively measuring discrimination significant, this project was conducted in two phases. The first, "exploratory" phase, was conducted during the spring and summer of 2003 in two metropolitan areas: Chicago, Illinois and Albuquerque, New Mexico. For this phase, the Urban Institute developed and implemented a wide variety of testing approaches, targeted to different groups of persons with disabilities and different forms of housing market discrimination.<sup>3</sup> The size of the exploratory phase did not produce statistically representative measures of discrimination for any group, but did yield important lessons about how conventional testing methods can be adapted to effectively capture the kinds of discrimination that persons with disabilities experience when they search for rental housing.

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<sup>1</sup> M. Schill, *The Fair Housing Amendments Act of 1988: the First Fifteen Years*, Presentation at the Fair Housing Policy and Research Forum, Washington, D.C, March 2004.

<sup>2</sup> M. Abravanel and M. Cunningham (2002). *How Much Do We Know: Public Awareness of the Nation's Fair Housing Laws*. Washington, D.C.: U.S. Department of Housing and Urban Development.

<sup>3</sup> The scope of this study did not include discrimination through a failure to design and construct accessible housing.

Because of the scarcity of existing testing projects related to persons with disabilities for both research and enforcement purposes and the variety of ways in which housing discrimination based on disability may occur, a panel of experts (listed in Annex A), representing government and private fair housing experts and disability rights advocates and organizations, was convened to assist project staff in developing the DDS exploratory phase. With advice from the panel, UI developed 14 distinct testing scenarios targeting different categories of persons with disabilities and focusing on different aspects of housing discrimination. All 14 were implemented during the exploratory phase of DDS and are presented in table form in Annex B; discussion of the processes and outcomes of these scenarios are presented later in this report.

Based upon the lessons from the exploratory phase, a second, “pilot,” phase was designed to produce rigorous, statistically representative estimates of the incidence of discrimination against selected groups of persons with disabilities in a single metropolitan area: Chicago, Illinois. Specifically, this pilot phase focused on the treatment of persons who are deaf and use a TTY system to inquire about housing units for rent,<sup>4</sup> and on the treatment of physically disabled persons using wheelchairs who visit rental properties in person to inquire about available units.<sup>5</sup> These pilot tests were conducted from January to August 2004. The complete results of both phases of the DDS study are described in the HUD report, *Discrimination Against Persons with Disabilities: Barriers at Every Step*.<sup>6</sup>

DDS tests were conducted as part of a research project and were, therefore, not intended to be used as evidence in any type of enforcement proceeding. However, DDS incorporated design features that offered direct benefits to fair housing enforcement efforts. First, the Urban Institute provided all test files to HUD so that this information could be used to target housing providers for possible follow-up testing and investigation. Second, the exploratory phase of the project allowed experimentation with different testing approaches, scenarios, and types of rental housing to determine the most feasible ways to conduct disability discrimination testing. Finally, one of the key products from the project is this report, designed to provide guidance for practitioners.

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<sup>4</sup> Note that other people with hearing and communication disabilities may also rely on a TTY system so that findings from the analysis would apply to them, as well.

<sup>5</sup> The pilot phase was designed to measure the extent to which persons with disabilities experience adverse treatment when they search for rental housing in the Chicago area. The question of when differential treatment warrants prosecution and the related question of whether sufficient evidence is available to prevail in court can only be resolved on a case-by-case basis, which might also consider other indicators of treatment than those reported here.

<sup>6</sup> Combined, the research report and this report are the last in a series of reports that measure the level of discrimination in the United States. Previous reports showed the level of discrimination experienced by African Americans, Hispanics, Asians, and Native Americans when they inquired about a unit advertised for sale or rent. The series of studies is commonly referred to as the Housing Discrimination Study (HDS).

## **1.2 Purpose and Organization of the Report**

This report draws upon both the exploratory and pilot phase experience of DDS and offers practical information to advocates, enforcement and regulatory agencies, and other interested parties about the possible uses of disability discrimination testing as an investigative tool to aid in the enforcement of the fair housing laws. This guide is not intended to be a definitive “how to” manual that describes a singular approach to conducting tests for discrimination against persons with disabilities. When testing is performed as part of an investigation, it is necessary to tailor the approach to the facts that are presented in a complaint or to focus on specific prohibited practices that are being investigated. As with all testing, a variety of testing strategies, test structures, and testing approaches can be appropriate depending upon the circumstances that prompt a test to be conducted. The purpose of this guide is to offer general guidance, insights, and resources for organizations interested in conducting disability discrimination testing.

It is important for fair housing practitioners to understand the protections that the Fair Housing Act offers persons with disabilities in order to develop testing strategies that will capture evidence about whether the law has been violated. Chapter 2 offers an examination of the law itself and the provisions that prohibit different types of discrimination against persons with disabilities. Chapter 3 provides a brief overview of the basic testing processes, with special focus on using persons with disabilities as testers. Chapter 4 provides a more detailed examination of lessons learned from both the exploratory and pilot phases of the project with regard to types of discrimination, site identification, and testing protocols, and results. Chapter 5 concludes by addressing test documentation and analysis and summarizing some of the enforcement options that are available when testing results indicate that discrimination may have occurred.



## **2. LEGAL OVERVIEW**

When the Fair Housing Amendments Act was passed in 1988, adding disability discrimination to the kinds of discrimination in housing that the Act prohibited, Congress expressed its intent that people with disabilities should have the same rights to use and enjoy housing as do other persons, and that decision making about people with disabilities must be made on objective criteria and not unfounded assumptions:

The Fair Housing Amendments Act . . . is a clear pronouncement of a national commitment to end the unnecessary exclusion of persons with handicaps from the American mainstream. It repudiates the use of stereotypes and ignorance, and mandates that persons with handicaps be considered as individuals. Generalized perceptions about disabilities and unfounded speculations about threats to safety are specifically rejected as grounds to justify exclusion.<sup>7</sup>

The 1988 amendments were designed to address the ways in which Congress found that discrimination against persons with disabilities manifests itself. This chapter provides background information on legal issues, including the statutory definitions of disability, the types of conduct that are illegal under federal law, including direct discrimination against persons with disabilities, unequal treatment, and refusal to allow reasonable modification or make reasonable accommodation for persons with disabilities.

### **2.1 Statutory Definitions of Disability**

The Fair Housing Amendments Act prohibits discrimination based on handicap,<sup>8</sup> defined as: 1) a physical or mental impairment which substantially limits one or more of such person's major life activities; 2) a record of having such an impairment; or 3) being regarded as having such an impairment; but such term does not include current, illegal use of or addiction to a

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<sup>7</sup> H.R. REP. NO. 100-711, at 18 (1988), reprinted in 1988 U.S.C.C.A.N. 2173, 2179.

<sup>8</sup> Although the Act uses the term "handicap", this report uses the terms "disability" and "people with disabilities" to reflect legislative changes made to other laws, and because "disability" is the preferred term.

controlled substance or addiction resulting from current illegal use of a controlled substance.<sup>9</sup>

## 2.2 Illegal Conduct Toward People with Disabilities

The Act prohibits a broad range of discriminatory practices directed at people who are disabled and people who are associated with people who are disabled. It covers disabled people who are themselves buyers or renters as well as people who live in or who are going to live in a unit with a disabled person, such as a live-in-aide. It also covers any person because of his or her association with someone who has a disability.<sup>10</sup>

The Act prohibits making or publishing statements that express a limitation directed at an individual because of disability.<sup>11</sup> HUD's Fair Housing Act regulations prohibit inquiries into the nature or severity of a person's disability and (with limited exceptions) whether a person has a disability.<sup>12</sup> The Fair Housing Act contains an exemption that states that a dwelling unit does not have to be made available to a person who is disabled but "whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others." 42 U.S.C. 3604(f)(9).

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<sup>9</sup> 42 U.S.C. 3602(h). HUD's regulations provide more interpretative guidance to describe the kinds of disabilities that may be covered by the law. As used in this definition:

(a) Physical or mental impairment includes:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

(b) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(c) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(d) Is regarded as having an impairment means:

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of other toward such impairment; or

(3) Has none of the impairments defined in paragraph (a) of this definition but is treated by another person as having such an impairment.

<sup>10</sup> 24 C.F.R. 100.202 (a) and (b).

<sup>11</sup> 42 U.S.C. 3604(c).

<sup>12</sup> 24 C.F.R. 100.202(c).

The Act broadly prohibits discrimination in housing because of disability, including failure or refusal to rent or a failure to negotiate for the sale or rental of housing,<sup>13</sup> discrimination in the terms or conditions of housing or in facilities or services that are associated with housing,<sup>14</sup> and false representations about whether a unit is available.<sup>15</sup> In addition, the Act covers three additional types of discrimination that are unique to people with disabilities. Congress recognized that people with disabilities may require additional protection in order to enable them to live in, use, and enjoy housing in the same way that people without disabilities are able to use and enjoy housing. Congress provided that discrimination against disabled people includes not only more usual forms of discrimination, but also the failure by a landlord to take affirmative steps to ensure that disabled people enjoy the use of, or have access to, the facility to the same extent as non-disabled individuals.”<sup>16</sup>

- (1) The Act defines “discrimination,” with respect to people with disabilities, as including a failure or refusal to permit the structural modification of a property that is occupied or which will be occupied by a disabled person at that person’s expense.<sup>17</sup>
- (2) The Act also includes the failure or refusal to make reasonable accommodation in rules, policies, practices, and services if such an accommodation is necessary for the disabled person to benefit from housing.<sup>18</sup> Under this portion of the law, the accommodation is provided and paid for by the entity that is making the accommodation, rather than by the tenant or the applicant.
- (3) The Act requires that new multifamily dwelling units, as defined in the law, must be designed and constructed to be accessible to and usable by people with disabilities.<sup>19</sup>

### **2.3 Direct Evidence of Discrimination**

Violations of the Act toward people with disabilities may be manifested in a number of ways in a rental situation. There may be direct evidence of discrimination through a statement or advertisement. Direct limitations on availability, applying different terms or conditions to a disabled person, charging them more for rent or deposit, if done explicitly because of disability, violate the Act. For example, a landlord may not tell a blind applicant that she cannot rent a

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<sup>13</sup> 42 U.S.C. 3604(a).

<sup>14</sup> 42 U.S.C. 3604(b).

<sup>15</sup> 42 U.S.C. 3604(d).

<sup>16</sup> H. R. Rep. No. 711, 100th Cong. 2nd Sess. 25, reprinted in 1988 U. S. Code Cong. Admin. News 2186.

<sup>17</sup> 42 U.S.C. 3604(f)(3)(A).

<sup>18</sup> 42 U.S.C. 3604(f)(3)(B).

<sup>19</sup> 42 U.S.C. 3604(f)(3)(C).

second story unit because he is afraid she will fall down the steps. A landlord may not tell a person in a wheelchair that he must wait longer for an accessible unit instead of renting a non-accessible unit, if that is the applicant's choice. A landlord may not state in a notice to human services offices that he will not accept people with mental disabilities at a particular site. A landlord may not impose a lease requirement on a tenant just because she uses a wheelchair.<sup>20</sup> If a housing provider expresses an adverse decision, and ties the reason directly to disability, the Act's provisions regarding discriminatory statements will have been violated and often these discriminatory statements will be direct evidence of a Fair Housing Act violation. Finally, a housing provider may not ask a person with a disability questions about the nature of the disability or how severe it is.<sup>21</sup>

## 2.4 Unequal Treatment

People with disabilities, like other groups protected under the Fair Housing Act, should not be treated differently when seeking housing. Even if there is no explicit reference to disability, providing different treatment to people who have disabilities than to non-disabled people constitutes discrimination. Different treatment can occur at many points during an effort to seek housing. Examples include:

- A landlord may give applicants with disabilities different information about the availability of advertised housing units than the landlord may give to persons without disabilities.
- A housing provider may not offer persons with disabilities the same opportunities as persons without disabilities to inspect advertised or available units
- A rental agent may steer applicants with disabilities to different units, floors, or buildings than applicants without disabilities.
- A housing provider may charge or require different rental rates, deposits, application fees, types of insurance, and credit check charges to persons with disabilities than the housing provider charges to persons without disabilities.
- An agent discourages applicants with disabilities, by not returning telephone calls, making follow up contacts, inviting the applicants to complete an application, or offering waiting list opportunities while encouraging applicants without disabilities by these methods.

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<sup>20</sup> HUD v. Country Manor Apartments, et al., 2001 WL 1132715 (HUDALJ), imposition of requirement that resident using motorized wheelchair obtain and pay for personal liability insurance violates the Fair Housing Act. The decision is also available at <http://www.hud.gov/offices/oalj/cases/fha/pdf/countrymanor.dec.pdf>.

<sup>21</sup> 24 C.F.R. 100.202 (c).

## 2.5 Reasonable Modification

Discrimination that occurs in the area of structural modification is prohibited in different ways depending on whether there are federal funds involved in the housing. In private housing that does not receive any federal funding, the Fair Housing Act as well as state and local fair housing laws apply. Structural modification needed by a person with a disability must be made at the expense of the resident (or applicant) and the landlord's obligation is to permit any reasonable modification. This "reasonable modification" requirement obligates a landlord to grant permission for a structural modification, like the addition of a ramp or widening a door, and it requires that the tenant or prospective tenant pay for the modification.

HUD's regulations permit a housing provider to condition approval of a modification on assurances that the modification is done in a workmanlike manner and that any required permits for the work be obtained.<sup>22</sup> In a rental property, a landlord may condition permission for the modification on an agreement by the resident to restore the interior of the unit, wear and tear excepted, but there is no obligation to restore a modification that is made to a public or common use area.<sup>23</sup> In most instances, a landlord may request a deposit as a condition of approval to cover the cost of the restoration of the inside of a unit to its condition before the modification was made, but must follow specified rules for maintaining the deposit in an escrow account and paying any accrued interest to the tenant.

Denials of reasonable modification occur in a variety of ways in private housing. Some of the most common denials include the complete refusal to permit the modification at all—whether it is for an exterior ramp to enter a unit, removal of a bathroom door to accommodate a wheelchair, or lowering kitchen cabinets. Violations also occur when landlords condition their approval of a modification in a way that is inconsistent with the Fair Housing Act's statutory and regulatory scheme. In some cases, a landlord might attempt to require an additional security deposit, require restoration of modifications that are in public areas—which the Act does not require—or impose insurance or other non-statutory requirements on the modification-seeker. Several litigated cases have been brought by applicants with disabilities who have sought permission for a modification that was denied and by residents where landlords sought to place conditions that went beyond the Act's requirements for approval of the modification.

In properties that are federally assisted or subsidized, the requirements are somewhat different. An additional law, Section 504 of the 1973 Rehabilitation Act, applies to recipients of federal financial assistance, and requires a housing provider that receives federal financial assistance to make and pay for requested structural changes to facilities as an accommodation to a person with a disability.<sup>24</sup>

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<sup>22</sup> 24 C.F.R. 100.203(b).

<sup>23</sup> 42 U.S.C. 3604(f)(3)(A).

<sup>24</sup> 29 U.S.C. 793. HUD's regulations implementing Section 504 are found at 24 C.F.R. Part 8. In properties receiving federal financial assistance, a failure to provide and pay for requested structural changes needed as a

## 2.6 Reasonable Accommodation

Both the Fair Housing Act and Section 504 of the 1973 Rehabilitation Act require a housing provider to make reasonable accommodation to enable a person with a disability to use and enjoy housing.<sup>25</sup> The types of accommodation needed by people with disabilities are almost unlimited because each individual may need a different type of accommodation, or several types of accommodation, depending on his or her disability-related needs. Under the Act, reasonable accommodation must be made to rules, policies, practices, or services, when needed for an individual to fully utilize the housing.

One reasonable accommodation need that occurs frequently both in private and assisted housing is for an accessible parking space,<sup>26</sup> located in close proximity to a unit that is under consideration for rental. The need for accommodation might involve a request for a designated parking spot, a handicapped parking space, a space designed for van parking, or a space near a particular unit. Another common request for reasonable accommodation involves a request to permit an “assistance animal,” as an exception to usual “no pet” policies.<sup>27</sup> Assistance animals include guide dogs for persons with visual disabilities, as well as other types of assistance animals that provide services for people with other disabilities, including emotional support for persons with mental disabilities or whose disabilities result in chronic pain.<sup>28</sup>

Other examples of exceptions to usual policies may include waiver of guest fees for a home health aide,<sup>29</sup> waiver of late payment charges and lease cancellation remedies for a

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reasonable accommodation for a person’s disability would be a violation of Section 504 of the Rehabilitation Act of 1973, unless the requested structural changes constitute an undue financial and administrative burden or a fundamental alteration of the recipient’s program.

<sup>25</sup> See generally Joint Statement of the Department of Housing and Urban Development and the Department of Justice: Reasonable Accommodations Under the Fair Housing Act, May 17, 2004, found on line at <http://www.fairhousing.com/index.cfm?method=page.display&pageid=3607>, HTML and at <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>, PDF.

<sup>26</sup> Shapiro v. Cadman Towers, 844 F. Supp. 116 (E.D.N.Y. 1994), aff’d 51 F. 3<sup>rd</sup> 328 (3<sup>rd</sup> Cir. 1995), waiver of first come, first served policy for parking space assignment required as a reasonable accommodation, Jankowski – Lee v. Cisneros, 91 F. 3<sup>rd</sup> 891 (7<sup>th</sup> Cir. 1996), assigned handicapped parking required as a reasonable accommodation.

<sup>27</sup> Animals used by persons with disabilities may also be referred to as “service animals,” “companion animals,” or “support animals,” depending on the function they serve.

<sup>28</sup> Majors v. Housing Authority of the County of DeKalb Georgia, 652 F.2d 454 (5<sup>th</sup> Cir, 1981) Green v. Housing Authority of Clackamas County, 994 F. Supp. 1253 (D.OR 1998) waiver of no pet policy to accommodate hearing assistance animal, HUD v. Dutra, et al., 1996 WL 657690 (HUDALJ) available on line at <http://www.hud.gov/offices/oalj/cases/fha/pdf/dutra1.pdf> (cat provided pain therapy for symptoms of fibromyalgia and relieved emotional distress associated with pain from the disability), HUD v. Riverbay, (HUDALJ) available on line at <http://www.hud.gov/offices/oalj/cases/fha/pdf/riverbay.pdf>.

<sup>29</sup> United States v. California Mobile Home Park Management, 29 F.3d 1413 (9<sup>th</sup> Cir.1994).

person with a mental disability,<sup>30</sup> making an exception to a “no cosigner” rule,<sup>31</sup> providing or using alternative forms of communications, such as communicating with deaf people through use of telecommunications devices or telephone relay systems, and waiver of an age policy to accommodate a young disabled resident in a senior housing project.<sup>32</sup>

A reasonable accommodation need not be made if it would present an undue financial and administrative burden to the housing provider, or constitute a fundamental alteration to a program.<sup>33</sup> If the housing provider refuses to grant an accommodation the housing provider must discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs without a fundamental alteration to the provider's operations or without imposing an undue financial and administrative burden. If an alternative accommodation would effectively meet the requester's disability-related needs and is reasonable, the provider must grant it. This interactive process where there is a discussion of the requested accommodation and possible alternatives is helpful to all involved, because it often results in an effective accommodation for the requester that does not pose an undue financial and administrative burden for the provider.<sup>34</sup>

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<sup>30</sup> Samuelson v. Mid-Atlantic Realty Company, 947 F. Supp. 756 (D.DE 1996).

<sup>31</sup> Giebler v. M&B Associates, 343 F.3d 1143 (9<sup>th</sup> Cir. 2003).

<sup>32</sup> Canady v. Prescott Canyon Estate Homeowners Association, 60 P.3d 231 (AZ App. 2002).

<sup>33</sup> HUD v. Ocean Sands, Inc., (HUDALJ) available on line at <http://www.hud.gov/offices/oalj/cases/fha/pdf/oceansn1.pdf>. See also Green and Dutra, *supra*, fn 27.

<sup>34</sup> Joint Statement, *supra*.



### **3. BASIC TESTING PROCEDURES FOR DISABILITY DISCRIMINATION**

The Disability Discrimination Study began by assuming that the basic paired testing protocols that have been developed and applied in previous research testing studies could be adapted for discrimination against persons with disabilities. And indeed, the experience from this project indicates that paired testing protocols can be designed to effectively detect and measure differential treatment discrimination as well as refusals to allow reasonable modification or make reasonable accommodation.

The basic paired testing protocols used disabled and non-disabled tester partners who were matched on gender, age, and other personal characteristics and assigned comparable housing needs, income, family composition, and employment circumstances that qualified them both for a particular advertised housing unit.<sup>35</sup> Testers visited housing providers in turn to inquire about the availability of the advertised housing, and each systematically recorded the information and assistance he or she received. Test partners did not compare their experiences with one another or record any conclusions about differences in treatment; each simply reported the details of the treatment he or she experienced. Urban Institute analysts constructed a series of treatment indicators that were then used to rigorously compare the experiences of the testers.

Although this basic process was used for all DDS tests, there were a number of issues specific to disability discrimination testing that warranted a rethinking of the traditional protocols and a retooling of the existing forms, instructions, and other materials. It is important to note that not all testing for disability discrimination needs to include all of the elements that were implemented in the Urban Institute's research testing. For example, if a fair housing or disability rights organization receives a complaint about a housing provider who refused to permit a reasonable modification, a test may not be useful and a simple telephone call from the organization to the housing provider, explaining the right of the person with a disability to the reasonable modification may remedy the situation or provide further evidence of the failure to provide the requested reasonable modification. Alternatively, if a local organization wants to investigate whether a particular housing complex refused to rent to a wheelchair user, it may conduct a paired test. In other words, each testing situation is likely to call for a different set of design decisions, ranging from relatively simple to more complex.

In this chapter, we summarize the basic DDS testing protocols, with examples of some of the issues that prompted changes to them. We outline the three stages of the testing process: preparing to test, conducting the test, and following the test and conclude with a discussion on using persons with disabilities as testers. Chapter 4 provides a more detailed examination of the challenges, impacts, and lessons learned from the decisions that were made in the project, from the practitioner's perspective.

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<sup>35</sup> One of the 14 exploratory scenarios was a non-paired test.

### 3.1 Preparing to Test

Although the actual conduct of a test causes people the most concern, the initial set up is equally important. As in all previous testing efforts, each and every test requires comprehensive preparation.

*Analysis* to consider (1) whether testing will provide useful evidence to confirm or refute that discrimination is occurring; (2) the type of testing that should be done; (3) careful matching of the tester and the person complaining about discrimination. For example, a person believes that she was denied an apartment because she uses a wheelchair and an assistance dog. She telephoned about an advertised vacancy and was invited to view the unit. However, when accompanied by her assistance dog, she arrived to view the unit, the landlord told her that the unit had just been rented. A non-disabled tester could telephone to determine whether the unit was still available. If the unit is still available, the testing organization should analyze whether the original applicant should seek housing again or if a paired tester should be used. A factor in this analysis would be the size of the housing provider. If the housing provider is a relatively small operation, a tester, who uses a wheelchair and a guide dog, may be too obvious and the test results unusable. It may be more appropriate, if housing is still available, for the original home seeker to attempt to reapply and view the unit. Alternatively, a tester, accompanied by an assistance dog, could be used if the housing provider runs a relatively large operation and it would not be unusual for two applicants with wheelchairs and assistance dogs to express an interest in a vacancy within a relatively short period of time. Careful consideration should be given to matching the tester's profile closely to the original complaining person. If the tester with a wheelchair does not have a guide dog and is offered a unit, it may be irrelevant to the original complaint of discrimination, if the motivation behind the denial of the unit was the housing provider's objection to a guide dog.

*Availability of testers.* Serious consideration should be given to whether a testing organization has a matching tester with the same or similar disability to the person who believes that she was discriminated against because of her disability. Testing organizations, that have not recruited and trained testers with disabilities, should exercise extreme caution when considering whether to ask non-disabled tester to pose as a person with a disability. While it may be possible for a non-disabled person to pose as disabled in a telephone test, it is hard to imagine that it would ever be possible during an in-person test. Just as testing organizations would not use white testers disguised as African-Americans to test for race discrimination, testing organizations should not use non-disabled testers disguised as disabled testers to test for disability discrimination.

*Advance calls* to the test site were made prior to each test being conducted. Usually made by the local test coordinator, these calls (a) determine whether an advertised unit is eligible and available to be tested and (b) ensure that persons conducting the test are assigned credible financial and personal characteristics. They typically gather information on unit

availability, rent price, location, and office hours. A couple of issues raised for DDS testing included:

- how much information should be gathered regarding building accessibility?
- how should advance callers ask about unit availability for subsidized rental units, many of whom have waiting lists?

*Test assignments* were developed for each tester and provided complete information on how a test should be conducted. This information usually includes the specifics of how the tests will proceed logistically (e.g., who will go first, what time will each tester call or visit the housing provider, who needs to make an appointment prior to a test visit), in addition to the personal and financial characteristics of the tester to match the characteristics of the person with a disability who believes that she has been denied housing because of her disability. These characteristics may, in limited instances, reflect the actual characteristics of the testers (such as their age), but are most often assigned by the test coordinator to match the characteristics of the person who believes that she was discriminated against. These assigned characteristics include the tester's occupation, household composition, current housing situation, and future housing needs. Housing related characteristics, such as household composition and housing needs are developed based on the actual advertised unit being tested.

Regarding DDS research testing specifically, we had to consider the following, among other things:

- what role will the tester be assigned (representing him or herself, as proxy for a disabled or non-disabled person, as a companion to a tester)?
- how should the disabled tester approach the test site (with or without a guide dog, with or without a companion, with or without a Sign Language interpreter)?
- how could a disabled tester be assigned a credible story to convey a non-obvious disability (e.g., mental illness)?
- should unit modifications be assigned or should testers make this determination once on site?
- should the random order of test visits be changed so that building/unit accessibility can first be determined?

*Briefing* testers is an extremely important and, often, overlooked part of the testing process. Testers meet individually and in-person with the test coordinator to receive the test assignment form and to be given a chance to discuss the particulars of each test. Often testers are unclear about where or when a test is to be conducted and may need assistance with memorizing their assigned characteristics. For this reason, during the DDS research testing,

testers were given only one test assignment at a time during briefings. The DDS researchers expressed a few concerns, including:

- could testers be given more than one test assignment at a time for phone tests?
- how can test coordinators better accommodate disabled testers (by conducting briefings at the tester's home, work, or a location convenient to public transportation or by telephone)?

### **3.2 Conducting the Test**

Once testers have been briefed, they are ready to conduct the test. Testers are always encouraged to review their test instructions before approaching the housing provider, whether by telephone or in-person. This review is especially important if testers are conducting different types of tests during the same time period and can be beneficial to even the most seasoned tester.

*In-Person testing* in DDS was made difficult because of the varying scenarios for each of the 14 types of test conducted in the project. So for each type of test, we developed a specific set of instructions based on the particular requirements of each (A complete set of test instructions for the exploratory phase can be found in Annex B; pilot phase instructions can be found in Annex C). However, we followed the basic testing process used in previous studies.

Testers inquire about the advertised rental housing and any other available housing that met their needs. They ask about rent price, date availability, lease length, deposit and other fees, and application process. They are also required to be attentive to any discussion regarding waiting lists, incentives, and follow-up arrangements, among other things, and to take notes during the test. In addition, for in-person tests, testers were required to ask to inspect any available units. As expected, many issues specific to disability testing arose, including:

- how can site accessibility best be assessed for testing purposes?
- how should disabled testers proceed if the rental unit or other parts of the test site are inaccessible?
- how should disabled testers frame their requests for accommodation and modification?
- if disabled testers are not able to inspect units, what requests for accommodation and modification should be made?
- how should disabled testers disclose their disability (such as a mental illness), if not obvious?
- what should be the role of a disabled tester's companion (if one is assigned)?
- do any protocols need to be adapted to accommodate certain disabled testers?

*Appointment calls* need to be made for certain in-person tests and are required when (a) the location of the advertised housing is not known; (b) the advertisement indicates that an appointment is required, and an advance call has disclosed that an appointment is required. One important issue we had to consider was how appointment calls would be handled for testers with communication disabilities.

*Phone tests* have never been conducted for any of the previous Housing Discrimination Study (HDS) phases. So we began with the in-person protocols (as outlined above) and found that they worked fairly well. However, we did find a number of issues that had to be worked out, including:

- should different types of information be requested from housing providers (e.g., no inspection requests)?
- how should testers handle requests from housing providers regarding follow-up?
- how should testers handle the use of answering machines, voicemail, or other screening devices?

*Inserting Disability into Tests.* When a tester does not have a visible disability or when telephone testing is conducted, a testing strategy must include some way of communicating the fact that there is a disability, since the law applies to people who have disabilities that are known to a housing provider. To ensure that testers were identifiable as disabled during in-person tests, DDS testers were recruited in specific categories—such as wheelchair users, blind or substantially vision impaired, deaf or substantially hearing impaired, or having a mental disability that fit into the identified categories. The expert panel recommended that the test assignment form provide testers with a response to offer a housing provider should they be asked the reason for their disability and a range of generic answers was provided, such as sports injury or illness.<sup>36</sup>

With non-obvious disabilities, or when telephone testing was conducted so that a disability was not apparent, the project identified specific ways to convey disability status. Physical disabilities posed less of a challenge. In phone testing, testers simply would identify themselves as the disability type in question. A tester might say, “I use a wheelchair” or “I have difficulty in walking long distances,” for handicapped parking inquiries. “What does the building look like, I’m blind,” or, if the tester is a proxy caller, “I’m calling on behalf of my sister, who’s deaf” or “I’m calling for one of my clients, a man with a mental disability.” In in-person testing with a tester who has an invisible physical disability, a tester might say, “can we drive to the unit? I have a disability and I can’t walk long distances.” Such comments adequately convey that the individual has a disability.

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<sup>36</sup> This was seen as especially important for young, male testers in wheelchairs whose disability might be incorrectly assumed by some housing providers to have been the result of gang or drug related activity.

Conveying a mental disability poses a different challenge. Because many people with mental disabilities choose not to disclose their disability, it could appear awkward for a tester to offer such a disclosure when first meeting with a housing agent. The project identified several ways to convey a mental disability—by describing a recent release from a treatment facility or a psychiatric hospital readily recognizable as such, by describing manifestations of a mental disability in the context of requesting an accommodation (“I have short term memory loss and may ask for a reminder to pay the rent”). Persons with mental disabilities and their advocates were a good source of suggestions about how they would prefer to introduce their disabilities in a conversation.

### **3.3 Following the Test**

What occurs following a test is certainly as important as conducting it. Tests can be rendered unusable simply because testers fail to accurately and/or completely report what happened during the test or because test coordinators fail to require testers to do so. Problems can also arise when testers fail to inform test coordinators about deviations from test protocols or other problems that occurred during a test.

*Test report forms* were required to be completed immediately following a test so that testers would be able to recall as much detail as possible. In addition to completing a set of standard reporting forms (that were different for telephone and in-person tests), testers were also required to complete a narrative report that documented, in detail, everything that happened on the test. And although they were developed for research testing, the test report forms used in DDS can be adapted for enforcement purposes. However, they are only examples of the types of reporting forms that might be used when conducting disability discrimination tests. They should be modified by the user, as needed (a complete set of report forms for the pilot phase can be found in Annex D). A number of issues surrounding test report forms surfaced during development, including:

- how can forms be adapted so that they can be used for more than one type of test?
- in what formats would the report forms need to be developed (e.g., Braille, large print, scannable for specialized reading equipment)?
- what assistance may need to be provided for some disabled testers to complete test report forms?
- how could reporting requirements be adapted for some disabled persons who may not be able to write (e.g., allowing tape recorded narratives)?

*Debriefing* a tester after the test is completed is also a key part of the testing process. In DDS, testers met with their test coordinator within 24 hours of their test, so that their experiences would be fresh. Test coordinators collected and reviewed the tester’s report forms in the tester’s presence, so that any issues of clarity or completeness could be addressed

immediately. Test Coordinators also reviewed the tester's narrative at this time and compared it to the tester's other report forms, noting any incongruities between them. In the DDS pilot phase, test coordinators were able to review the tester's report and narrative forms on-line immediately following the test and often before the debriefing session; this saved a considerable amount of the tester's time. The debriefing is also the time to allow testers to discuss any problems that occurred on the test or to report any deviations from test protocols. As with tester briefing, the primary concern for tester debriefing was how to best accommodate disabled testers during this process.

*Follow-up contact* from a housing provider is an important test indicator. As in previous testing studies, DDS testers were required to report if they received any phone calls or postal mail following a test. This follow-up was usually received and recorded by the test coordinator because voice mailboxes were used in place of testers' real phone numbers. Occasionally, however, a housing provider did send follow-up postal mail to thank the tester or provide further information. On extremely rare occasions, the housing provider may have called a tester directly if they were able to track down their home telephone number. Although we did adhere to the basic follow-up contact procedures used in previous testing, we found that we had additional issues to consider for disability testing. These included:

- if a disabled tester does not get a clear answer to the request for reasonable accommodation or unit modification, what additional follow-up should be conducted?
- how much time should be allowed for housing providers to follow-up, before tester-initiated follow-up commences?
- how many tester-initiated calls must be attempted in an effort to get a conclusive answer to the request for reasonable accommodation or unit modification?

The basic testing protocols discussed above were used in DDS and conducted by the Urban Institute for research purposes. The forms and other materials provided in this report are not intended to limit or restrict the performance of other disability discrimination testing or establish a legal standard for such testing that may be conducted. Other test forms and protocols used for housing discrimination testing may be just as effective as those provided in this guide. For further information, a list of fair housing testing resources is provided in Annex H.

### **3.4 Persons with Disabilities as Testers**

All but one of the DDS testing protocols relied upon persons with disabilities to serve as testers, rather than having non-disabled people pose as proxies or pretend to have disabilities.<sup>37</sup> Some members of the expert advisory panel argued strongly against using nondisabled persons

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<sup>37</sup> One scenario used proxy testers to make telephone inquiries on behalf of a person with a cognitive disability.

as proxies for persons with disabilities in any testing, on the principle that persons with disabilities are capable of participating effectively in research about the circumstances they face. Other members raised concerns, however, about the feasibility of recruiting sufficient numbers of testers with disabilities who could nonetheless pose effectively as homeseekers, and about the potentially damaging emotional impact that testing might have on persons with mental disabilities. We found, however, that persons with disabilities (including persons who are mentally ill or developmentally disabled) can serve effectively as testers on their own behalf. With proper planning for accommodation, persons with disabilities fare as well as any other testers who participate in discrimination testing studies.

*Recruitment, Selection, and Retention.* The Urban Institute generally contracts with local organizations to recruit and manage testers for discrimination studies. Urban Institute staff train the testers to ensure that testing protocols are consistently implemented. Although the groups participating in this project already had a pool of testers with disabilities available, many organizations that conduct testing activities do not have testers with a range of disabilities readily available to conduct tests.

Testers with disabilities can be recruited from many of the same sources that are typically used to locate other testers—social and religious organizations, associates, advertisements, and other similar places. One useful place to recruit testers who have disabilities is a local Center for Independent Living, which typically has clients and employees with a variety of disabilities. Others are service organizations that have adult members or participants who represent particular types of disabilities—groups like Easter Seals, United Cerebral Palsy, or the Muscular Dystrophy Association. A third are local groups that provide support, advocacy, or social services to persons with disabilities, such as state Protection and Public Advocacy or legal services groups whose clients may have disabilities, or Developmental Disabilities Councils, nutrition centers, or adult day care centers.

For this project, prospective testers were asked to provide information about their actual personal and financial characteristics, including employment (both past and present), income, household members, testing experience, and availability. Testers also provided information about what type of disability they have (e.g., low vision, physical disability and use a wheelchair, deaf) and any need for reasonable accommodation during the training or testing process. This information is useful in planning and conducting training and testing efficiently.

In addition, the actual characteristics of the testers may require care in selection of testers for a particular test. Specifically, some critics of testing research have argued that observed differences in treatment may be attributable to differences in partners' income or education, rather than differences in race or other protected characteristics (although HDS2000 analysis found no such correlation). It may be necessary to recruit and train a large pool of disabled and non-disabled testers to avoid the insertion of non-disability variables like race, national origin, or age into the test. It may also be necessary to recruit testers with a variety of

disabilities, so that use of particular testers will not insert disability related variables, like communication issues, or the relative severity of a disability, into a particular test.

Tester retention is always a problem in any discrimination testing project, and disability testing needs consideration of additional issues. Testers with disabilities may encounter more impediments in conducting a long term, or repeated, testing project. Transportation issues, health problems, and the unique challenges of living with a disability may cause a high level of tester attrition. Additional recruitment and training may be needed on an ongoing basis.

*Reasonable Accommodation for Testers.* For DDS, the local testing organization identified any reasonable accommodation that prospective testers would need to participate in the project and documented these needs on each individual's tester application form. Transportation issues were a significant concern during the project. Testers with disabilities who did not have access to private transportation had to use various forms of public and paid transportation to conduct in-person tests. In some instances, the project provided drivers to take testers to sites that were not served by public transportation. Use of taxicabs or private transportation added additional costs to the project. Use of paratransit services and public transportation resulted in occasional delays in arrival times, which sometimes required adjustments to the arrival time for another tester. When transportation is used that might result in delays, testing should be scheduled well in advance of office closing hours. Use of testers who have their own transportation, or who can successfully use public transportation to conduct tests, will avoid some of the scheduling and timing issues.

Some testers with vision or other disabilities may need special accommodation in order to use training materials or to complete test report forms. Such an accommodation could include computer-based systems that "read" written material, providing testers with all written materials in Braille, or providing a reader or writer for the person with a disability. A number of testers in this project used assistance from project staff, aides, or others to complete test report forms. Testers with hearing impairments might need sign language interpretation for training or testing activities.

Some testers may need arrangements for other types of accommodation. Testers who need personal care attendants during travel or testing periods may need assistance in locating or paying for attendants that are used during the course of training or testing. The exploratory phase of this project conducted a small number of tests with cognitively disabled testers who were accompanied by a companion who, while not a tester, was available to provide support and assistance during the test. An assessment of this process indicated that some cognitively disabled testers needed assistance in remembering and recording the test experiences. For the purposes of DDS, it was concluded that companions should be used in such circumstances, but should not engage the housing provider directly in discussions or speak for the person with a disability.

Companions for several of the cognitively disabled and mentally disabled testers used in this project received training on the testing process and, while not participating directly in the

discussion between the person with a disability and the housing provider, were available to “cue” the tester on points that the tester asks about during the test. For example, if the tester forgot the date by which he needed to move, he turned to his companion who would remind him of his assigned move date, saying something such as, “you told me you needed to move by the end of June.” The tester then turned back to the housing provider and said, “Oh, yes, that’s right; I need the apartment by the end of June.” In addition to accompanying the disabled tester on the test, these companions participated in the documentation of the test and discussions about the test with project staff.

Lengthy training sessions may need to be shortened, simplified, or repeated for testers with mental illnesses or cognitive disabilities. In addition, organizations should consider conducting smaller, less lengthy training sessions if testing will include multiple types of disabilities. Smaller group trainings could focus on specific methodologies or be conducted for different groups of persons with disabilities who may have specific accommodation needs, such as Sign Language interpretation.

*Proxy Testers.* Many testing organizations use proxy testers in one of two ways—people who are not disabled pose as having a disability, or pose as a relative or an associate of a person with a disability. Proxy testers present some advantages and some disadvantages. Proxy testers who pose as people with disabilities sometimes are asked questions or have to present themselves in ways that are unfamiliar to them. In brief telephone tests this need not be a significant problem. However, DDS did not consider using non-disabled persons to pose as persons with disabilities for purposes of testing, because the risk of detection was high and because the testing organizations were able to recruit and train adequate numbers of people with disabilities as testers.

Proxy testers may also be persons who pose as someone associated with a person with a disability and may include family members, friends, case managers, discharge planners, social workers, or employees of halfway houses or transitional housing. Proxy testers have a significant advantage in some testing contexts. For example, a non-disabled person can easily see an entire site that is inaccessible and which cannot be visited by a person with a mobility impairment. These sorts of proxy testers are also relatively free from the risk of detection in occasional testing, since it is not uncommon for friends or associates to look for housing for another person, especially if they indicate that the disabled person is moving in from out of town, or being released from a treatment facility. They may be able to raise the disability issue relatively easily in a short conversation and be credible in doing so. There may be disadvantages to using proxy testers in this way, however. Conducting a number of tests with proxy testers may also increase the risk of detection, especially in smaller markets or with repeated tests.

## **4. DESIGNING AND CONDUCTING TESTS OF DISABILITY DISCRIMINATION**

Testing for discrimination against persons with disabilities can be challenging because different types of disabilities call for different testing strategies and because of the potential for capturing not only differential treatment but also denial of reasonable accommodation and/or reasonable modification. In the Disability Discrimination Study, the Urban Institute explored the feasibility and effectiveness of multiple testing strategies, targeted to different categories of persons with disabilities, and focused on different aspects of housing discrimination. This chapter discusses lessons learned about important challenges involved in testing for housing discrimination based on disability.<sup>38</sup>

### **4.1 Designing Tests to Detect Discrimination Based on Different Types of Disabilities**

Different types of disabilities present different challenges for designing and conducting tests. In DDS, the Urban Institute developed and implemented tests for discrimination against persons with mental illness, persons with cognitive or developmental disabilities, persons who are deaf or hard of hearing, persons who are blind, and persons with mobility impairments. This experience can provide a starting point for local organizations as they tailor testing strategies to particular types of disabilities and to particular discrimination issues arising from complaints or other information about local market practices.

*Testing for Discrimination against Persons with Mental Disabilities.* DDS experimented with three testing scenarios for measuring discrimination against persons with mental disabilities. Two of these scenarios involved persons with mental illness and/or cognitive disabilities acting as testers, while one relied upon non-disabled testers who posed as proxies for disabled homeseekers.

One of the central challenges for this testing was how the disabled tester would disclose the fact of his or her mental illness relatively early, but in a credible way. The expert advisors generally agreed that most persons with mental illness would only disclose this fact for a specific reason. Testers needing a credible reason to reveal such a disability might find one in a scenario involving an impending release from a group home for persons with mental illness (and subsequent lack of rental history). Therefore, in each of these tests, the disabled tester visited a rental office in person, indicating that he or she had a mental illness, would soon be released from a group home and therefore had no rental history or current landlord references. The non-disabled partner also indicated a lack of rental history for some credible reason, such as having just graduated from college or having been living abroad. As discussed in Chapter 3, this is just one example of a credible strategy for ensuring that housing providers are aware of a tester's mental disability.

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<sup>38</sup> A complete set of protocols and tester instructions for the exploratory phase can be found in Annex B.

The project also experimented with the use of non-disabled proxies posing as case-workers inquiring on behalf of disabled homeseekers. Specifically, a non-disabled person posing as the case-worker for a developmentally or cognitively disabled person would telephone a rental housing provider to inquire about housing availability for his or her client. In these tests, the non-disabled homeseeker was also represented by a telephone proxy. For example, the caller might say “my brother will be moving here in a month, and I’m checking out possible apartments for him.” This approach represents a feasible strategy for avoiding some of the challenges of working with testers who have mental disabilities. However, it loses some of the narrative power of conventional paired testing, and because it does not rely upon persons with disabilities to act as testers on their own behalf, may be objectionable to some advocacy organizations.

*Testing for Discrimination Against Persons Who Are Deaf or Hard of Hearing.* DDS implemented two testing scenarios that focused on discrimination against homeseekers who were deaf or hard of hearing. The first scenario focused on differential treatment against persons with hearing or communications disabilities who rely on TTY telephone services. Specifically, the disabled tester used a TTY telephone and relay operator to call a rental agent to inquire about available units. The non-disabled tester made a comparable inquiry by telephone.

A TTY system connects a deaf or hard of hearing person, or person with a severe speech impediment, through a TTY (teletypewriter), to an operator who also has a TTY. In these tests, the tester types a message to a housing provider that is received by the operator as printed words on the TTY. The relay operator calls the housing provider by phone, explains the TTY process, and reads the tester’s typed message to the housing provider. As the housing provider responds verbally, the operator types the response into the TTY, which is received by the tester, who then types a response. A print record is made of all TTY conversations, which is incorporated into the test report form as a complete narrative of the call. The non-disabled tester also placed a phone call to the housing provider, asking about the same advertised unit, and conducting a full telephone test, without, of course, an intermediary. The experiences of the two testers were compared on all of the indicators for differential treatment.

TTY communications are used routinely by people with disabilities to place business and personal phone calls and are becoming even easier to access through personal computers and hand-held devices. A refusal to deal with a person who uses an alternative form of communication is a direct form of discrimination; providing information that is different in content, quality, or quantity to a caller who uses a TTY in comparison to a caller who communicates verbally may also be considered unequal treatment.

TTY testing confronted one challenge: in some cases rental sites used answering machines or other screening devices to determine whether to accept a call. The project instructed the deaf tester to have the operator say that the call was about the apartment ad, or

similar statements. When answering machines were used, TTY operators were instructed by the tester to leave a message requesting a return call through the operator.

The project found the TTY testing scenario to be an inexpensive and effective testing strategy. The results were reliably captured through an independently produced record of the conversation for half of each tester pair, which avoids controversy over what was said by whom for at least that half of the test. This type of testing can be completed quite quickly and cost-effectively, and can span a very wide geographic area, because it does not require testers to travel around the metropolitan area to meet with housing providers in person. Moreover, relay operators provide customers with a verbatim report on each telephone call, providing an independent narrative of what occurred in the disabled portion of each test.

An alternative strategy involved in-person visits by testers who were deaf or hard of hearing. A deaf tester who also had difficulty speaking understandably would visit a rental office in person to inquire about available housing. He or she used notes to communicate with the landlord or rental agent. The non-disabled tester also visited in person, simply making the standard rental housing inquiries. This approach proved to be both feasible and credible. However, deaf testers were not able to access rental housing that contained an intercom/buzzer entry system. In addition, the note-writing process was often time consuming and awkward, both for housing providers and testers. An alternative approach, that was not implemented, would be to send testers who are deaf or hard of hearing to meet with housing providers accompanied by a sign language interpreter. Although this would raise the cost of testing, it would ensure that differences in treatment between disabled and non-disabled testers could be clearly attributed to disability, rather than to the time-consuming nature of the note-writing process.

When a deaf tester called the housing provider using the TTY service, the call was answered by an answering machine. The relay operator left a message saying that he was interested in a two-bedroom apartment and asking the housing provider to call the tester back. The tester then asked the relay operator to call a second number that was listed in the advertisement. This time, the call was answered by a man. The tester typed “good morning, my name is \_\_\_\_\_ and I am interested in the two-bedroom apartment. Is it available?” As he was typing this message, the relay operator was explaining to the housing provider that the call was being placed by a deaf person using a relay service. The housing provider then hung up. Because the relay operator wasn’t sure if the housing provider had hung up or if the service had been disconnected, the tester asked her to call again and to explain that he was deaf and that he was calling about the apartment for rent. As the relay operator was speaking to the housing provider, the housing provider said, “Hey, stop calling me, son of a bitch, will you?” and hung up again.

*Testing for Discrimination Against Persons Who Are Blind or Visually Impaired.* The project implemented two in-person testing scenarios to capture discrimination against homeseekers who are blind or visually impaired. The first focused on discrimination against persons using assistance animals. A tester who was blind and accompanied by a guide dog

visited a rental office in person to inquire about available housing. Testers visited apartments that both had and did not have a “no pets policy” and the blind tester asked specifically about any restrictions on the guide dog regardless of policy. The non-disabled tester also visited in person, making the standard rental housing inquiries, without any mention of a pet. This experience indicated that the approach is clearly feasible, and that it can effectively capture both differential treatment on the basis of disability and refusal to make a reasonable accommodation. However, this approach may need follow-up inquiries to obtain a definitive answer about limitations or fees associated with the assistance animal. In addition, testers sometimes had difficulty finding the front door or gaining access to rental properties or management offices, and sometimes had to seek assistance from bystanders. Therefore, it might make sense to send testers to their assignments with someone who would provide transportation and will help them gain entrance, but who would not accompany them during the test.

The second scenario in this category also focused on both differential treatment and refusal to make reasonable accommodation, but eliminated the companion animal as a factor. Specifically, a tester who was blind or visually impaired visited a rental office in person to inquire about the availability of housing. At the end of the visit, he or she asked the agent to read the application form aloud so that he or she would know what information and documentation would be needed in order to complete an application.<sup>39</sup> The non-disabled tester also visited in person, making the standard rental housing inquiries and asking to review the application form at the end of the visit (if it had not already been offered).

*Testing for Discrimination Against Persons with Mobility Impairments.* Testing for discrimination against persons with mobility impairments is more complex and challenging than one might at first think, because the accessibility of rental properties varies (depending in part upon structure type and when they were built), and because the kinds of modification a disabled homeseeker might reasonably request depends upon the characteristics of the property and the unit. DDS experimented with two testing scenarios designed to capture different forms of discrimination against persons with mobility impairments who are seeking housing in the rental market. The first scenario involved in-person testing by individuals using wheelchairs, in order to capture both differential treatment and refusal to permit reasonable unit modification. Both the wheelchair user and the nondisabled tester visited rental properties to inquire about available units. Once this basic inquiry was complete, the tester with a disability also inquired about modification and/or accommodation. Issues associated with the accessibility of rental properties, reasonable modification requests, and reasonable accommodation requests are all discussed further below.

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<sup>39</sup> If written application forms were not used by a sampled housing provider, testers asked for a list of what information and documentation they would need to provide, and no data on reasonable accommodations was recorded.

Finally, DDS experimented with tests that focused on the willingness of rental housing providers to make reasonable parking accommodation for persons with mobility impairments. This scenario was non-paired, and therefore did not capture differential treatment. Instead, a tester posing as a disabled homeseeker telephoned a rental office to inquire about available units and indicating that, due to a mobility impairment, he or she would need a designated handicapped-accessible parking space near the rental unit.

## 4.2 Selecting Test Sites

Because the goal of research testing is to rigorously measure how often discrimination occurs in the marketplace, sampling for all phases of DDS was based on a systematic design. For most of the testing, the universe for testing was defined as housing units advertised as available for rent, excluding luxury rentals, publicly subsidized properties, and units restricted to elderly tenants. It included all other rental units (within specified geographic areas) advertised in one or more publicly available source. Advertisements for available rental housing were randomly selected from a variety of advertising sources, including the major daily papers, local community papers, and rental guides. In addition, we experimented with adaptations to this basic sampling methodology to target special segments of the rental housing market—senior housing and properties subsidized under the Low-Income Housing Tax Credit (LIHTC) program.

For enforcement testing purposes, other strategies may be used to identify test sites and the universe may be much broader. Potential targets cover the entire spectrum of rental housing, from housing units available at a wide range of prices and locations, owner-occupied rental properties, luxury rentals, publicly subsidized properties, and units restricted to elderly or disabled tenants. Properties may be rented by large management companies, on-site managers, housing authorities or other public or quasi-public entities, and individual owners who lease, or sublease units. Depending upon the purpose of the testing, it may make sense to target properties even when there are no units immediately available.

*Site Accessibility.* One of the most significant challenges for disability testing is determining whether the property is accessible enough to people with mobility disabilities so it can be tested by disabled testers. If a private market property is built for first occupancy before 1991 and not covered by design and construction requirements, it is likely to be inaccessible in some or many respects.<sup>40</sup> Whether the property is accessible enough to provide some access to a tester with a physical disability is a significant factor in whether or not the property can be tested by a tester who uses a wheelchair or has significant mobility impairments. Where testing is being conducted to examine treatment of mobility disabled individuals, whether it is testing for

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<sup>40</sup> Multifamily housing is covered by the Fair Housing Act's design and construction requirements if it is designed and constructed for first occupancy after March 13, 1991. The access requirements apply to buildings that contain four or more dwelling units. If there is an elevator in the building, all units are covered. If there is no elevator in the building, only the ground floor units are covered. 42 U.S.C. 3604(f)(3)(C), 24 CFR 100.205.

differential treatment, reasonable accommodation, or reasonable modification, it may be necessary to use proxy testers for properties that are not accessible.

DDS sought to test the broadest range of rental housing options, but in order to include older housing—which was more likely to be inaccessible—a strategy was needed to identify inaccessible properties prior to conducting tests. Therefore, project staff used a drive-by survey to determine whether a property was accessible, before using it as a test site. A short accessibility checklist was developed to document site accessibility, which staff determined, to the extent possible, after driving or walking by a test site (a copy of the accessibility checklist is attached as Annex E). If a building was found to be inaccessible, the site was not included in the study sample.

For enforcement testing, information collected through use of such a checklist could potentially be used for follow-up design and construction testing or for other enforcement activities. Information about external barriers where a modification may be appropriately requested may also be available from potential complainants who are familiar with the property. Limited reasonable modification testing using physically disabled testers to recently constructed multifamily housing may also be considered, but even some of that housing may not necessarily be accessible, either because the property does not comply with the requirements or because it contains multistory townhouses, which are not covered by the Fair Housing Act's design and construction requirements. Some of these issues can be avoided if testing is designed to identify design and construction violations in addition to testing for other forms of disability discrimination. If a property is covered by design and construction requirements, test report forms could be constructed that would include accessibility features. If design and construction testing is merged into tests checking for other forms of disability discrimination, however, it still may be necessary for non-disabled testers to evaluate the property for compliance, since non-compliant features may block access for disabled testers.

*Subsidized Housing Sites.* Although the project focused primarily on unsubsidized, private market housing, it also explored the feasibility of testing for discrimination by federally subsidized housing providers. In some cases, federal laws place more obligations on federally funded housing than on conventional private housing. However, targeting subsidized sites may require some adaptations to testing strategies, in order to meet eligibility requirements, adhere to special application procedures, or handle the likelihood of waiting lists for available units.

Because a substantial proportion of persons with disabilities have low- to moderate-incomes, rental testing for discrimination based on disability may focus on housing developed under the federal Low-Income Housing Tax Credit Program or other federal subsidy programs that require successful applicants to have incomes under specified limits. These developments are often advertised in local sources, sometimes with an indication of income eligibility limits. However, income targets vary by site and funding source, and the number of vacancies per income group might be difficult to ascertain. Should tester profiles not meet the qualifications for units that are vacant at the time of the test, income factors could result in differential

treatment without consideration of disability. In such a situation, issues of income eligibility could cloud the tests, making the data on some tests unusable for consideration of disability discrimination.

In some communities, most of the subsidized rental inventory is public housing and/or privately owned HUD- or USDA-subsidized developments. The Fair Housing Act imposes the same obligations on these developments as on private market housing, but in addition, HUD-subsidized housing providers have affirmative obligations to make their programs accessible and available to persons with disabilities. Many such properties have some fully accessible units. Because of the application of Section 504 of the 1973 Rehabilitation Act, subsidized housing providers are obligated to make and pay for structural modification, unlike the obligation of private housing providers to permit reasonable modification made and paid for by an occupant or potential occupant. Testing may be designed to explicitly target subsidized housing, focusing exclusively on the experiences persons with disabilities face when they apply to live in these developments. Whether a tester is given a priority for a fully accessible unit or permitted to move into a unit that is not accessible, with modification paid for and provided by the housing provider might require a different testing methodology than that used in the private housing market.

Because the process of applying for subsidized housing is so different from the process of inquiring about the availability of housing in the private market, special considerations apply. The first is the identification of the type of subsidized housing to include in the study: public housing, elderly and disabled public housing, Section 8 developments, rural rental housing funded by USDA, etc. While each of these segments of the subsidized housing market present certain challenges in common, they also present unique challenges that might not allow for one approach to work across HUD-subsidized properties, such as differences in eligibility criteria or differences in the way in which a prospective tenant applies for housing.

Applicants for some subsidized housing need to be certified as eligible for the housing through a process that may not occur on site. Developing tester profiles that would meet eligibility criteria is not difficult once such criteria are known; however, receiving certification of eligibility necessitates working with the certifying agency. One way to establish income limits and other constraints is through advance phone calls to a targeted property. Federal agencies, such as HUD's Office of Housing, may be able to provide information about whether a particular property is subsidized. A recent addition to HUD's website is an updated list of low income tax credit properties listed by geographic location and street address.<sup>41</sup>

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<sup>41</sup> A searchable database permitting identification of projects funded through the low income tax credit program and placed into service through 2001 is available at <http://lihtc.huduser.org>. It permits searches by city or county, by whether the property is newly constructed, a rehab project, or an existing property, by street address, and by the number of low income units provided at a site. The site also includes general information about income eligibility standards.

Many subsidized housing developments have long waiting lists for units and that fact can be determined through advance calls. Testing strategies can be adapted to measure access to the waiting list rather than immediate availability of housing. Requests for accommodation and modification can still be made and the responses examined, even if a unit is not currently available. Unequal treatment that disadvantages people with disabilities may be captured on issues such as waiting list access, accessibility to offices and application assistance, treatment of people with disabilities, and the type and location of units identified during the process.

*Housing with restricted eligibility.* Typical housing choices for people with disabilities include housing with limited occupancy requirements. Such housing may range from rental housing that require residents to have a particular disability, such as chronic mental illness or a physical disability, in order to live in the property, to age-restricted housing where successful applicants must be 55 years of age or older, 62 or older, or meet other age requirements. These factors must be identified before a test is conducted, so tester profiles match the characteristics that are required for admission.

An issue that is receiving increased attention in fair housing cases occurs when retirement housing, nursing homes, senior housing, or other similar types of housing apply policies or practices which discriminate against otherwise eligible residents or applicants because they have or may have a disability.<sup>42</sup> Manifestations of this issue are the imposition of a requirement that people with disabilities be capable of living independently, a requirement that residents or applicants not use a wheelchair, or requirements that residents or applicants not have a disability.

In the exploratory phase of the project, some tests were conducted of elderly-only housing. The project encountered some difficulty with locating sufficient numbers of properties that served the elderly, including low-income tax credit properties, that advertised in local media outlets and that did not have waiting lists or certification procedures, which would make testing difficult. In some communities this may not be a problem. In addition, many of the rental properties that housed seniors were subsidized housing, or, in one market, mobile homes. Mobile homes were not included in the housing tested for this project. Private market apartment rental housing for seniors was available only in limited numbers and was often tied to the provision of services, and for a variety of reasons, that type of housing was also not tested for this project. Advance calls were used to identify age, income, and other restrictions in advance of the tests to determine appropriateness for use as a test site.

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<sup>42</sup> For a comprehensive overview of the rights of seniors with disabilities, see R. Schwemm and M. Allen, *For the Rest of Their Lives: Seniors and the Fair Housing Act*, 90 Iowa L. Rev. 121 (2004). See "Florida Man Staves Off Eviction," <http://www.bazelon.org/newsroom/11-10-03ffairhousing.htm> and see M. Allen, "Preserving Elders' Housing Rights", Trial Magazine, <http://www.bazelon.org/issues/housing/articles/10-03trial.htm>. See also, Fact Sheet, "The Illegality of Independent Living Requirements in Rental Housing, Assisted Living Centers and Continuing Care Retirement Communities," Bazelon Mental Health Law Center, <http://www.bazelon.org/issues/housing/infosheets/independentliving.htm>.

Some rental housing limits eligibility, as a function of statute or policy, to persons who are above a certain age. In such housing, testers who are younger than the specified age will be considered ineligible, regardless of disability status. In addition, wide disparities in ages could result in consideration of age as a factor in treatment of the testers, and age discrimination in housing does not violate the Fair Housing Act.<sup>43</sup> When testing projects that are operated for older persons, such as retirement rental housing or federally subsidized housing requiring heads of households to be at least a particular age, both matched pair testers appeared to be at least that age, and they indicated that they were at least of that age.

### **4.3 Testing for Different Types of Discrimination**

After deciding on which disability type to focus, determining the type of discrimination to test for is one of the first decisions to make when developing a disability testing strategy— differential treatment, reasonable accommodation, or reasonable modification. Testing for disability discrimination requires significantly different test structures to capture the different forms of discrimination. Focusing on differential treatment alone will not capture denials of reasonable accommodation and modification, nor will focusing narrowly on denials of reasonable accommodation and modification capture whether or not differential treatment has occurred. In DDS, we found that it was possible to develop testing strategies that could document each of these types of discrimination. This does not mean that every test necessarily needs to address all three types. Sometimes, it may make more sense to focus a single test (or a series of tests) on a single form of discrimination.

The project found that disability testing could assess differential treatment in rental housing transactions and that the tests are relatively straightforward once the type of disability is selected. Differential treatment tests can be conducted in-person or by telephone; both approaches offer advantages and disadvantages.

*In-person Testing.* Testing is often, but not always, conducted in person so that individual characteristics of the tester can be observed by the housing provider. There were two particular challenges identified in DDS when using disabled testers for in-person tests— transportation to the test sites and access to the property and/or unit.

Although some disabled testers had their own transportation and drivers, other testers needed a vehicle, and sometimes a driver, to reach test sites. Routes for public buses, which some testers with disabilities ordinarily use, did not reach all test sites. Taxicabs and paratransit transportation, whether private or public, were expensive, and paratransit was not always available on a schedule consistent with test assignments. These difficulties suggest that test planning should include planning transportation for testers where travel to test sites will be a

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<sup>43</sup> Although discrimination based on age does not violate the Fair Housing Act, it may violate state or local law. In addition, federal law prohibits age discrimination by recipients of federal funding through the provision of the Age Discrimination Act of 1975. See 24 CFR Part 146.

challenge. For individual tests, this will not be a significant burden, but for audits or multiple tests using testers who do not have personal transportation resources, special arrangements, for example, a contract with transportation services like private paratransit or taxicabs, may be necessary. Payment for transportation expenses, such as taxis or paratransit transport or driver reimbursement, could be a significant additional cost in a testing project.

As discussed earlier, if testing is conducted across the rental market, a significant number of test sites may be inaccessible to testers with physical disabilities. Other challenges to conducting in-person tests faced persons who had disabilities other than mobility impairments. Blind testers, who went on test visits unaccompanied (except for their guide dog), sometimes had difficulty finding the test site. Use of a companion or driver who could locate the site and assist with access into a property may be necessary for some tests. Deaf testers also faced difficulties accessing apartment buildings with intercom and buzzer entry systems. In addition, when calls for appointments had to be made prior to a site visit, the local test coordinator or other staff member had to act on behalf of the tester, posing as a friend or family member (but without disclosing the tester's disability) in order to set those appointments up.

*Telephone Testing.* In disability testing, telephone testing can be used if the fact of disability is inserted into the phone inquiry or if it is apparent from the content of the call. Telephone testing was successfully used in two paired scenarios in DDS. In one, testers posed as case workers for persons with cognitive disabilities and were matched with a non-disabled person calling on behalf of a friend. We found this scenario to be realistic in that it is common for preliminary information about rental units to come through an initial telephone call, and a case worker might realistically make such a call for information. The second telephone test scenario was a matched pair in which deaf testers called the housing providers using a TTY/relay operator system while their tester partner made the same call using a conventional telephone.

Telephone testing has some significant advantages over in-person testing. A wider geographic area can be covered and multiple tests can be conducted during a short time period, making it relatively inexpensive. However, because telephone calls are generally brief, they do not offer the opportunity to capture as much information about differential treatment as in person tests. For example, tests conducted over the telephone do not include inspection of units, often a significant treatment indicator.

*Matched Pair Testing.* The most typical testing methodology uses matched pair testers and, by their very nature, differential treatment tests must use matched pair testers. In DDS, only one testing scenario was non-paired (telephone tests for reasonable accommodation). In classic matched pair testing, two individuals are matched in all characteristics other than the characteristic that may be the subject of the testing. So a typical matched pair test for disability will have testers of the same race or ethnicity, gender, and perceived age, who seek similar sized and priced rental units, have similar needs for availability, seek similar amenities, have similar incomes and backgrounds, and similar family compositions. The one difference will be

the presence or lack of presence of the disability that is the focus of the test. It is not unusual for testers to pose as someone with entirely different characteristics than they actually possess. Testers thus pose as home seekers with certain characteristics, and matched pair testers pose as people with matched characteristics in every relevant area *except* for the protected-class status that is the focus of the tests. Testers' incomes and other personal characteristics are also developed to be consistent with likely applicants for a particular property. Testers pose as persons with high incomes for expensive rental housing and moderate incomes for moderately priced housing.

DDS Matched pair testing in this project posed some challenges. A typical matched pair test might match a male disabled tester using a wheelchair with a non-disabled male tester. In matched pair testing using a proxy for a disabled tester, the second tester was matched to the circumstances described

When a tester with a mental illness told the housing provider that he did not have a rental history, he was told that he would be required to get a letter from the group home where he currently resides stating that they would be responsible for paying the rent if the tester failed to do so.

by the proxy. For example, in a test that had a non-disabled person posing as a case manager who inquired about the availability of an apartment for a person who was cognitively disabled, the matched tester posed as a local person inquiring about an apartment for a family member who lived elsewhere or who was not able to call himself. In testing based on mental disability, the disabled tester, who lacked a rental history due to institutionalization, was matched with a tester who also lacked a rental history, perhaps because of being a recent college graduate or having lived abroad.

*Tests for Reasonable Accommodation and Modification.* Although all but one of our testing scenarios for DDS were conducted using matched pairs, paired tests are not required if the focus is exclusively on reasonable accommodation and/or modification issues. Many of the strategies used in our paired testing could be applied in non-paired testing as well. For example, hearing impaired testers could use the TTY systems to inquire about a landlord's willingness to install flashing lights for doorbells and/or fire alarms, and wheelchair users could visit properties in-person to request reasonable unit modification. A single tester can also be used to determine whether a property complies with the design and construction requirements of the Fair Housing Act.

*Reasonable Modification Tests.* The requests for structural modification made by testers need to vary significantly based on the physical structure of each property tested. While testers could be assigned to ask for only one type of modification, for example, the installation of grab bars in a bathroom, such a request might not be the most credible if there were several other obvious modifications that would need to be made before a tester could enter the bathroom.

Relying on non-disabled testers who visited the property first to suggest a possible modification did not always work well, because those testers did not always observe all of the possible barriers to a person with a disability, and they did not always inspect the same unit or units that were shown later to a disabled tester. The project also found that letting a tester with a disability select the requested modification could result in requests that were haphazard and sometimes resulted in multiple modification requests made during the same test.

In response to this problem, researchers developed a hierarchy of modification requests. The hierarchy included possible structural modifications based on the order in which they were likely to be encountered during an on-site inspection. All involved an individual unit and not any common areas. Testers were allowed to ask for only one *category* of modification (e.g., modify the entryway), but could request more than one modification within certain categories, if appropriate. For example, a tester could request that grab bars be installed around the toilet and that cabinets under the bathroom sink be removed.

- 1) Modify the unit entryway - widen the doorway, remove the threshold, install a ramp, or reverse swing of door.
- 2) Modify the bathroom - widen doorway, remove cabinets under sink, install grab bars around toilet.
- 3) Modify switches - lower thermostat controls, lower light switches.
- 4) Modify door handles - change doorknobs to levers.

Example 1:

When a physically disabled tester asked to modify the bathroom door, she was told “no, because you would leave and I would be stuck with the door.” Later, the housing provider stated, “you would be better off buying my house. It would be more accessible for you.” He then proceeded to tell the tester the price and location of his house.

Example 2:

A disabled tester wrote in her narrative “I could not get into the doorway because the entry was too small and there was a noticeable drop. I asked him if I could make modifications. He looked at me and said, ‘this apartment is not for you.’ He stopped talking to me and walked me to the door.”

Example 3:

When a disabled tester asked if he could install a ramp into the unit, he was told by the housing provider that if he were a current tenant and he had an accident that subsequently required a ramp, then they would be required to put one in. The tester was then told that he would have to be put on a waiting list for a more accessible unit.

Other modification requests not included in the hierarchy could include lowering kitchen countertops, widening bedroom doors, or installing grab bars at tub or shower.

The modification request list generally worked well, although it appeared that some testers did not follow the precise order of the modification requests, perhaps because they identified a need for a modification that was lower on the list before they identified a need for a

modification that was higher on the list. Some of the alterations discussed with the expert advisors were not included in the hierarchy of modification requests because it was not clear whether they would be considered to be accommodation or modification. Among those not included were curb cuts associated with handicapped parking spaces and lowered peepholes on unit entry doors.

Although DDS used the modification hierarchy for research testing, the value of this hierarchy for enforcement testing would be limited. If a person with a disability has been refused a reasonable modification and complains to a fair housing organization or fair housing enforcement agency, there may be no evidentiary need for a follow-up test to confirm the refusal. The housing provider may willingly admit that it refused the modification or the refusal may be in writing. Practitioners should carefully assess whether a follow-up test is needed. If a follow-up test is needed, the requested modification should be tailored to the original request and the modification hierarchy is irrelevant.

Although DDS used the modification hierarchy only for private market rentals, it could work equally well for federally subsidized properties. Note, however, if a property were funded with federal financial assistance and therefore covered by Section 504, a requested modification would be treated as a request for a reasonable accommodation and the provider would be obligated to make and pay for the request unless an undue financial and administrative burden, or a fundamental alteration of the provider's program.

One DDS scenario tested the availability of flashing lights added to doorbells so that they were usable by deaf or hearing-impaired people. Testers were instructed to request the lights, and indicate if asked, that they would pay for them. For purposes of this testing, DDS considered denial of the request for the lights to be a violation. This testing strategy, therefore, could be used in both private market and federally subsidized housing, with the application of the two laws determining whether the response violated neither, both, or only one.

DDS did not assign testers to request modification to building entryways. However, a testing effort to examine responses to reasonable modification requests targeting the exterior of a building could structure requests around the placement of a ramp, the widening of doorways, or the replacement of gates at various sites in the common areas, like swimming pools, laundry rooms or clubhouses. If modification is requested for the exterior of units, there are different requirements in the law for those areas. Such modification is not required to be removed when a resident vacates the property, and a deposit to pay for the cost of removal or restoration cannot be required. In contrast, approval of modification to the interior of a dwelling unit may be conditioned on an agreement to restore the property to its original condition when the resident vacates, and a charge may be imposed to cover the cost of the restoration. Test results should be reviewed accordingly.

*Reasonable Accommodation Tests.* In planning reasonable accommodation tests, the project considered and experimented with a number of alternatives. Because the project used testers of different disability types, the type of accommodation that could be reasonably

requested varied, since the requested accommodation should be one that was needed by a person with that disability. Types of accommodation were suggested by the project's expert advisory group and drawn from Fair Housing Act regulations and cases. Accommodation requests were generally not expensive or time consuming to provide in order to avoid dispute over whether a particular accommodation was reasonable or not.

Two types of accommodation for vision-impaired testers were sought: that a housing provider read an application and that a housing provider would make an accommodation for a guide dog. Reading the application was considered to be a no-cost accommodation that would require a minimal amount of time to provide. A refusal was considered to be a clear denial of the accommodation. It was less clear that the accommodation was refused when the application was read only in part or summarized.

This project elected to conduct testing with blind and vision impaired testers who used a guide dog because it seemed to raise the fewest legal and practical issues and the least controversy. Test results showed a variety of reactions to the requested assistance animal accommodation, including outright rejection, requirements of additional deposits, training, or other restrictions. Imposition of such requirements on an animal that is used by a person with a disability violates the Act. However, the range of possible responses made tester training and instruction difficult. If approval was denied or conditioned, the analysis was easier, although there were many ways in which approval could be conditioned. If the response was ambiguous, or required consultation with others, testers were instructed to make follow up calls to the housing provider to seek final approval. Again, delays and some responses were ambiguous, which made them difficult to quantify. A failure to respond, a continued ambiguous response, or a delay of more than 24 hours after a follow up call to approve the request was considered to be a denial. The project learned that it was important to train testers to ask a series of questions that would pursue a complete answer to the requested accommodation.

Enforcement testing for reasonable accommodation requests is of limited value. If a person with a disability has been refused a reasonable accommodation and complains to a fair housing organization or fair housing enforcement agency, there may be no evidentiary need for a follow-up test to confirm the refusal. The housing provider may willingly admit that it refused the accommodation or the refusal may be in writing. Practitioners should carefully assess whether a follow-up test is needed. If a follow-up test is needed, the requested accommodation should be tailored to the original request. Further, the interactive dialogue that should take place between a housing provider and a person with a disability requesting a reasonable accommodation will be difficult to replicate in an enforcement context. Reasonable accommodations are specific to the person with a disability and the discussion about how to meet the person's need for an accommodation is by nature individualized.

*Physical Disability Accommodation.* In this project, the reasonable accommodation sought for physically disabled testers was whether or not a physically disabled person would

have available to them a handicapped parking space. This kind of request is one of the most frequently requested types of accommodation by actual renters.

A challenge to structuring a testing strategy for a handicapped parking space request is to define the accommodation clearly. A person with a disability could need any of the following types of accommodation: a regular parking space that is designated for that person, a regular parking space that is designated for that person located near the available unit, a handicapped parking space, a handicapped parking space in close proximity to the unit, a handicapped parking space designated for that person's exclusive use, a handicapped parking space that is wide enough to accommodate a van, or other options related to parking in garages or carports.

The project learned that it was important for testers to make a specific request for one of these types of parking accommodation, rather than generally asking for a handicapped parking space, because of the range of responses that a general request received. In the exploratory testing, the project tried several ways of making the request for a handicapped parking space. Initial consideration was given to requesting a designated parking space for the exclusive use of the disabled tester. This example, while based on an example given in the Fair Housing Act regulations, was not considered likely to be the first accommodation that normally would be requested. Instead, during the pilot phase, testers were instructed to first request a handicapped-accessible parking space. If the request was denied, the inquiry halted. If there was a favorable or ambiguous response, the tester was instructed to ask for a handicapped-accessible parking space near the unit or near the entrance closest to the available unit. If that request was denied, the inquiry halted. If the response was favorable or ambiguous, the tester was instructed to request that the space be designated for his or her exclusive use.

The inquiries by testers resulted in a range of responses. The request was outright accepted or denied or offered only with conditions, such as a fee. Testers often received a vague response such as "we might be able to work something out." The request might be countered with some other offer, such as offering the tester a parking space at another location. Although this counter offer would likely violate the Act, since it is the requested accommodation that must be provided unless there is an undue hardship relating to making the requested accommodation, it was difficult to train testers to respond consistently using the established protocol.

The test report form contained a range of selections for testers with disabilities to record the response of a housing provider to the parking accommodation request. Testers sometimes found it hard to remember which specific request they were to make, and the variety of answers that were given in different tests made quantification of results difficult. This is less likely to be a problem in individual enforcement tests tied to particular situations.

*Deaf or Hard of Hearing Accommodation.* Tests requesting accommodation for people who are deaf or hard of hearing involved two types of accommodation. In an on-site test, deaf testers communicated with rental agents through use of notes, implicitly requesting that form of communication as an accommodation. In addition, deaf testers requested flashing lights for

doorbells or fire alarms.<sup>44</sup> Use of notes to communicate raised several concerns. It was difficult to quantify the way in which rental agents responded to this request, if they did not outright refuse to communicate by notes. If less information was provided, it was not clear whether the agents who provided less information to a deaf tester were doing so because of the mode of communication or because they were discouraging the deaf tester. If information was summarized, and not conveyed accurately or completely, the result appeared as differential treatment when a non-disabled tester was given more information. Differential treatment analysis in these tests was difficult as a result. Use of deaf testers with lip reading skills, or who were accompanied by a sign language interpreter, could avoid this problem, but increases the difficulty in recruiting suitable testers and the cost of the test.

*Mental Disability Accommodation.* None of the project's testing scenarios for persons with a mental disability involved a request for an accommodation. The test scenario using testers with mental illness was a matched pair test focusing on differential treatment in which both testers lacked a rental history, though for different reasons.<sup>45</sup> The project considered accepting the absence of a rental history for a person with mental illness as a reasonable accommodation, but did not select that approach in the exploratory phase testing scenarios. That scenario could be used effectively in a non-paired reasonable accommodation research test, since needing an exception from the usual rule that applicants must provide landlord references is a reasonable accommodation, and one that was recommended by our expert advisory group. Other types of accommodation that could be used in reasonable accommodation research scenarios with testers with mental disabilities could include a request for a reminder of rent payment due dates, waiver of a rule against co-signers, approval of emotional support or companion animals, or making a request that a past negative incident be overlooked because it occurred for disability-related reasons which are no longer a factor in applicant conduct.

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<sup>44</sup> As discussed in the text at fn. 48, *supra*, it is not clear under the law whether a request for the addition of flashing lights should be treated as a request for an accommodation or a request for a modification.

<sup>45</sup> See Annex B, Test Instructions, for a complete description of the testing scenarios for persons with mental disabilities.

## 5. TEST ANALYSIS AND USE

Testing for the Disability Discrimination Study was designed with the goal of producing rigorous estimates of the extent and forms of discrimination against persons with disabilities. But of course, testing can serve other important purposes as well, including follow-up for individual discrimination complaints, investigation of potential discrimination by particular housing providers, and monitoring the practices of housing providers in a local market or sub-market. This chapter discusses key issues involved in structuring tests for these different purposes and analyzing test results.

### 5.1 Structuring Tests for Enforcement and Audits

*Enforcement tests* are often used to gather evidence that may corroborate the experiences of a particular individual. Tests that are conducted in response to a particular set of information provided by a prospective complainant will likely be specifically tailored to those circumstances. Identical matches of testers to complainants are not necessary. If, for example, a bona fide applicant reports that she was turned away from a rental property because the landlord said he would not rent to a person in a wheelchair because he did not run a nursing home, one or more tests might be developed to gather information that would support or undermine that allegation. Such a test would likely not deal with issues of reasonable accommodation or reasonable modification, but would instead test only for treatment issues, and it would likely involve a tester who is in a wheelchair, who uses a walker or other mobility device.

Organization of tests around particular situations may also include application testing when a current tenant encounters problems. For example, a current resident might state that he was denied permission to make the reasonable modification of the installation of a ramp. A tester posing as an applicant seeking a response to a request for the reasonable modification of the addition of a ramp at a dwelling or some other location might be appropriate if there was no other evidence of the original refusal. Tests in these types of circumstances may be used as evidence in a case filed by the initial complainant. There is long-established case law upholding the use of testing as evidence of discrimination.

*Audit based testing* for discrimination, where there is no specific allegation of a type of discrimination, but a number of tests conducted to measure the nature and extent of housing discrimination, will require consideration of a number of factors. The limited audit-based testing on disability issues that has been reported to date typically tests for one type of discrimination, such as the reasonable accommodation of waiving a “no pet” policy to accommodate service animals.

*Audit based testing for reasonable modification* in general will require consideration of the age and type of construction of each rental property to be tested, as the type of modification to be requested may vary from site to site. A typical modification request in a newly constructed

property that complies with Fair Housing Act design and construction requirements might be a request to add grab bars in a bathroom. Grab bar installation is not required by the Act's design and construction requirements. In older properties, or properties which do not comply with design and construction standards, addition of a ramp at a unit, a rental office or a laundry room might be requested. The differences in the type of modification requested should not make a significant difference in an audit, as it is whether or not permission would be available to make a structural change at the expense of an applicant that is being examined. In addition, testers with a variety of physical disabilities can be used to conduct audit based tests of the modification issues, since it is not the individual disability that is a concern but the modification approval. Organizations planning audit based testing can also adapt and use the methodologies and resources used in this project for the research based components of telephone relay use or unequal treatment combined with reasonable modification requests tests.

It requires some thought to structure an *audit of reasonable accommodation issues* because of the variety of ways an accommodation may be needed. The availability of handicapped parking spaces, designated spaces, and spaces near units as an accommodation could certainly be the subject of a series of tests, as they were in this project. As already noted, this project had some difficulties in structuring tests and training testers to ask for the same kind of parking accommodation in every test. Variables in this area included whether there are already handicapped parking spaces at the property being tested, whether those spaces are or are not near a particular unit that is available or likely to be available shortly, and whether or not there are physical changes, such as installation of a ramp, that might be necessary to provide access from handicapped parking spaces. Similarly, if a pool of testers who use service animals is available, testing for the accommodation of waiver of a "no pets" policy could be used for audits. The most significant impediment to that strategy is the possible need to confirm in advance of a test whether or not there actually is a "no pets" policy. This information could be gathered during advance calls.

Another audit strategy, where statistical reliability or aggregation of a large number of test results is not important, is to use testers with a variety of disabilities and test for a variety of types of treatment. An audit of 40 tests might have twenty reasonable accommodation tests and twenty reasonable modification tests, for example. Within an audit category of reasonable accommodation and reasonable modification tests, testers might ask for the same kinds of accommodation tests, testers might ask for one type of accommodation in every test, or they might ask for several different types of accommodation. Within an audit category of reasonable modification tests, testers might ask for one type of modification in every test, or testers could request several different types of modification. The audit report would examine the ways in which discrimination manifested itself under the categories of reasonable accommodation and modification.

A final audit approach is to structure tests that permit the opportunity to test multiple forms of discrimination in one test. Like the reasonable modification testing done for the research-based component of this project, which provided the opportunity for landlords to

provide equal or unequal treatment, make discriminatory statements or not, and agree to reasonable modification of several types, or not, this methodology collects evidence about a variety of potential discrimination issues. An audit summary might report results under categories like discriminatory statements, unequal treatment, and denial or conditioning of requests for modification with all of the results reported as indicating the extent of housing discrimination based on disability.

## **5.2 Documentation of Tests**

Usual testing procedures require testers to complete written documentation of their test experiences. Sometimes these test report forms contain a list of items that summarizes the tester's treatment, and where the tester identifies what was discussed, offered, or conveyed by the rental agent. Sometimes these forms contain space for a narrative description of the events of the test. Any supplemental contacts by housing providers are included in the testing documentation, and all written materials such as business cards, brochures, marketing material or follow up letters which are received during the test are included in the test files.

Several different types of disabilities and several different kinds of testing strategies were used in the project. Different test report forms were developed for use in different types of tests. The report forms were generally consistent, but they contained specific items that were related to the specific types of accommodation or modification to be requested by testers. The test report forms used for this project were specifically designed for research purposes.<sup>46</sup> However, they may be modified for enforcement purposes. Test report forms used for enforcement may vary from the types of forms used for research-based testing; enforcement testing may emphasize narrative documentation or be developed to include several types of disability testing on one form. Organizations that perform testing activities have learned over the years that there is no single "right" form, and no single "right" strategy, for testing.

## **5.3 Test Analysis**

There is no single way to analyze tests. An evaluation of whether or not discrimination has occurred in any particular test requires an individualized assessment of each component of the test and comparison to other tests, if any. Discussion with each tester individually (or "debriefing") is a common initial step in analysis in enforcement testing, after review of report forms, to discuss any areas where questions have arisen, and to ensure that how the tester was treated and the treatment documented reflect actual events and that they are not caused by any tester behavior.

One useful way to examine test report forms summarizing the experiences of testers is to use a checklist or combination of checklists to examine individual components of the test

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<sup>46</sup> A complete set of DDS report forms may be found at Annex E.

experience. The checklists provided below enable a reviewer to consider each aspect from a test individually, and then list all the areas where differences have occurred. Such a list of objective treatment issues can then be considered to determine if adverse treatment has been directed at the tester who is disabled, and evaluate the significance of the adverse treatment. Not every difference in treatment, and not every incident where treatment has been imperfect will support a successful case of housing discrimination. A careful analysis of each aspect of a disability-based test is important to determine at what points, if any, there is differential treatment. Those differences are then assessed qualitatively and quantitatively to determine whether they indicate discrimination.

The checklists presented below are based on the kinds of issues seen in disability testing examples and they track the kind of information typically gathered during tests and recorded on test report forms. They may be adjusted based on the type of testing being conducted, the type of disability involved, or the type of reasonable accommodation or reasonable modification that is used in a particular test. The checklists contain possible indicators of discrimination in each of the three major types of discrimination based on disability, one for differential treatment, one for reasonable accommodation, and one for reasonable modification. In general, the unequal treatment checklist should be used first whenever there is matched pair testing. If the matched pair testing also includes a request for an accommodation or modification, the appropriate additional checklist should be reviewed as well. The checklists for reasonable accommodation and reasonable modification can be used for single, unpaired tests and should be modified to match the requests of the person with a disability who was denied an accommodation or modification. If there are multiple tests of one property or of several properties owned or operated by a single entity, all tests may be reviewed in reaching a final conclusion about further action.

In some cases, especially where enforcement is considered, one or more additional tests may be appropriate, although one test may be enough to show discrimination for enforcement purposes, especially in the realm of differential treatment. Using tests to initiate enforcement actions under the Fair Housing Act's reasonable accommodation or modification provisions is uncharted territory in the courts, and may be hampered by too many variables to clearly detect discrimination for enforcement purposes. Typically, it is common to consider the issue of whether, even if there is some evidence of discrimination, enforcement action should be taken, or some less stringent step should occur, such as consultation, training or retesting.

The stronger the evidence of a violation, even from one test, the more likely it is that enforcement will be initiated. This is especially true where an enforcement test supports a bona fide complainant's allegation of discrimination. In disability cases involving a bona fide complainant, especially in reasonable accommodation and modification cases, imposition of additional requirements or rejection of a single request have often been the subject of litigation and administrative enforcement. While one test showing rejection of a requested

**CHECKLIST OF INDICATORS FOR UNEQUAL TREATMENT IN DISABILITY TESTS**

By comparing the treatment of testers was the tester who is disabled treated differently and adversely:

Was there difficulty in contacting property or getting information in comparison to other testers?

Is the advertised unit available?

When is advertised unit available?

Are other units of the same size/type requested available?

How many other units are available?

When are other units of the same size/type requested available?

Where are the available units located?

Where are the other units located?

How many units were shown?

What condition and what amenities are provided in available units?

Is there evidence of steering within the property based on disability?

Are there differences in pricing of units?

Are there differences in deposit amount or types of fees?

Are there differences in the application process description of requirements for:

- Credit check?
- Co-signer?
- Criminal record check?
- Request for income or other information?
- Other

Were there inquiries about the nature or severity of a disability or comments about people with disabilities?

Were there comments about handicapped units or accessible features?

Is there evidence of steering to other properties?

Are there differences in offers of application form, waiting list, callbacks, visits?

Are there other differences in the quality or quantity of information provided?

Is there other evidence of adverse treatment based on disability?

Is there other evidence of adverse treatment in comparison to another tester?

**CHECKLIST OF INDICATORS FOR DENIAL OF REASONABLE MODIFICATION**

Was there difficulty in contacting property or in getting information?

Was the requested modification refused or denied outright?

Was an alternative modification offered instead?

Were questions raised about the need for the modification?

Was some other person's approval needed for approval of the modification?

Was there a delay of more than 24 hours in approving the concept of the modification?

Did follow up about the modification approval have to be initiated by the tester?

Were conditions imposed on approval of the modification, such as:

- Use of licensed contractor?
- Use of landlord-approved contractor?
- Landlord-specified type of construction?
- Special insurance required?
- Removal of exterior modification upon departure?
- Security deposit, not related to the cost of restoration of interior of dwelling, charged?
- Other

Were there inquiries about the nature or severity of a disability or comments about people with disabilities?

Were there comments about handicapped units or accessible features?

Is there evidence of steering to other properties?

Is there other evidence of adverse treatment based on disability?

**CHECKLIST OF INDICATORS FOR DENIAL OF REASONABLE  
ACCOMMODATION TESTS**

Was there difficulty in contacting property or in getting information?

Was the requested accommodation refused or denied outright?

Was an alternative accommodation offered instead?

Was some other person's approval needed for approval of the accommodation?

Were questions raised about the need for the accommodation?

Was there a delay of more than 24 hours in approving the concept of the accommodation?

Did follow up about the accommodation approval have to be initiated by the tester?

Were conditions imposed on approval of the accommodation, such as:

- An additional charge?
- A waiting period?
- Specific conditions, such as breed or weight requirements for service animal?
- Action by someone else?
- Action by the tester?
- Special insurance required?
- Other requirements

Were there inquiries about the nature or severity of a disability or comments about people with disabilities?

Were there comments about handicapped units or accessible features?

Is there evidence of steering to other properties?

Is there other evidence of adverse treatment based on disability?

accommodation or modification is unlikely to be sufficient on its own to support an enforcement action, such information could be used in conjunction with a bona fide's complaint.<sup>47</sup>

#### **5.4 Post -Test Investigations and Enforcement**

A formal investigation is triggered by the filing of a complaint by an individual or organization or both. The Fair Housing Act requires that a person or organization that files a complaint be injured in some way by the discrimination. Individuals may be injured when they are not given truthful information about an apartment because they are disabled, or when they are told a higher price, denied an accommodation or modification that they need, or treated differently and adversely by a housing provider because of disability. A physical injury is not required in order to file a complaint. An injury may be loss of a housing opportunity, being lied to, or not being given the same kind of treatment as non-disabled people. Even testers who receive false information about housing because of disability may be able to file a complaint, although most groups that use testers ask testers to waive their rights to file a complaint from testing that is provided to the agency.

An organization may also file a complaint if the organization has been injured as a result of illegal discrimination. Injury for organizations is demonstrated in two ways: the agency has had to divert its resources, which are usually quite limited, to undertake actions designed to address incidents of discrimination. Resources may be diverted in many ways, from spending staff time and energy establishing test protocols, recruiting and training testers, coordinating one or more tests, debriefing testers, writing test summaries, and conducting research on issues raised by testing. Resources may be diverted because audits or cases raise issues that require training, technical assistance, or outreach to counter. Resources may be diverted away from important projects that are delayed or hampered because resources are diverted toward working on a particular case. Diversion of resources to develop and conduct testing activities to address disability discrimination incidents can be shown by evidence that new procedures and materials, new tester recruitment, and additional training are necessary to address possible disability discrimination through testing. Where a disability testing program is already in place, additional evidence of post-testing investigation may be presented to show that resources were diverted for purposes of establishing standing.

An organizational injury may also be shown if the mission of the organization has been frustrated by acts of discrimination. If, for example, the organization's mission is to ensure that every community member has access to a full range of housing choices without discrimination, so they may live full and happy lives, incidents of discrimination frustrate that mission. Every organization's mission may be a little different so the effect of disability discrimination on a

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<sup>47</sup> Note, however, that testing for violations of the Act's reasonable accommodations or modifications provisions may not be the most efficient use of fair housing organization resources, as where a denial of an accommodation or modification has been made in writing.

particular mission may vary, but the key element is that the acts of discrimination adversely affected the organization's mission.<sup>48</sup>

Administrative enforcement of the Fair Housing Act is triggered by contact, by phone, letter, or fax, to HUD's Office of Fair Housing and Equal Opportunity (FHEO) or to a state or local agency which HUD has recognized as enforcing a state or local law that provides rights and remedies that are substantially equivalent to those available in the Fair Housing Act. A list of HUD Hub offices where complaints of unlawful discrimination may be filed is attached as Annex F. A list of state and local FHAP agencies that HUD has recognized as substantially equivalent where complaints may also be filed is attached as Annex G. A complaint may also be filed with HUD on line or a complaint form may be downloaded and completed and mailed.<sup>49</sup> HUD should move promptly to file a complaint, notify the parties of the complaint, and begin its investigation.

A fair housing investigation by an agency like HUD or a FHAP agency represents a neutral and impartial investigation of the claims made by the person or persons filing a complaint. A typical investigation will include interviews of the complainant(s) and any witnesses to discriminatory practices, interviews of the person(s) claimed to have engaged in discriminatory practices, review of documentation related to the investigation such as test report forms. Testers are often interviewed about their experiences during investigation. If an issue in the case is whether certain units were available on particular dates, what prices or fees are normally charged, usual application procedures, or any of a number of other issues, the investigation will examine those issues. The investigation seeks independent evidence that may confirm or refute the claim of discrimination. An investigator may interview current residents with and without disabilities about their experiences, review leases, applications, waiting lists or other similar documents in an effort to review all of the available relevant facts,

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<sup>48</sup> For cases involving organizational standing, see Havens Realty Company v. Coleman, 455 U.S. 363, 102 S. Ct. 114 (1982), Eastern Paralyzed Veterans v. Lazarus-Berman, 133 F. Supp 2d 203 (E D NY 2001), agency diverted time from counseling clients on housing issues to identify and counteract illegal activity, standing found; Fair Housing of Marin v. Combs, 285 F.3<sup>rd</sup> 899 (9<sup>th</sup> Cir. 2002), citing cases. When group was adversely affected through economic losses in staff pay, in loss of funds in support of volunteer service and the inability to undertake other efforts to end unlawful housing discrimination, organizational standing was found. Funds spent in designing, printing and disseminating literature aimed at redressing the impact the discrimination had on the local housing market showed frustration of mission, Secretary v. Jancik, HUDALJ. 05-91-0969-1 (1993), private fair housing group was injured when it conducted investigative activities including expenditure of time developing testing methodology. Because the law of organizational standing may change, research should be conducted on the current judicial interpretation of the requirements to establish organizational standing before a complaint is filed in federal or state court. Different courts follow different standards in determining what is required to establish organizational standing. Some courts may not find organizational standing where standing is argued based solely on testing activity. See, e.g., Fair Employment Council of Greater Washington, Inc. v. BMC Marketing Corp., 307 U.S. App. D.C. 401, 28 F.3d 1268 (D.C. Cir. 1994). But compare, Fair Housing of Marin, *supra*.

<sup>49</sup> HUD's downloadable on line complaint form is located at <http://www.hud.gov/complaints/housediscrim.cfm>.

so that an independent judgment may be made as to whether or not there is sufficient evidence that discrimination has occurred.

During an investigation, from the time that the complaint is filed, HUD is required by the Fair Housing Act to engage in efforts to resolve the complaint through reaching a settlement agreement with the parties, referred to as a conciliation agreement. If the parties agree to a settlement, it is put in writing and signed by all of the people involved in the complaint, including a HUD representative.

If the investigation shows evidence of illegal discrimination, and the case is not settled, HUD is authorized by the Fair Housing Act to issue a determination that there is reasonable cause to believe that discrimination has occurred and file a charge of discrimination. Each party to a complaint has the ability to elect to have the case brought in federal district court by the United States Department of Justice (DOJ), where a jury trial may be conducted if appropriate. If no party makes an election to go to court, the case will be heard by an Administrative Law Judge on an expedited schedule.

DOJ, which runs its own testing program, also has the independent authority to bring cases where the evidence shows that there has been a pattern and practice of discrimination.<sup>50</sup> There is no requirement that a case be filed with an administrative agency before such cases are brought in court. A number of testing cases have been among those litigated by DOJ.<sup>51</sup> The Fair Housing Act also authorizes complaints to be directly filed in federal or state court by private litigants using private counsel.<sup>52</sup>

The Act includes the authority for powerful remedies. Complainants may be awarded damages to compensate them, not only for their financial losses, but also for the mental distress caused them from incidents of discrimination. The Act also authorizes awards of punitive damages to complainants (in federal court) and civil penalties (awarded to the government by administrative law judges) to deter discriminatory conduct and punish those who willfully ignore the law. Some reasonable modification, reasonable accommodation, and disability discrimination cases have resulted in significant financial awards to people with disabilities.<sup>53</sup>

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<sup>50</sup> The Department of Justice's authority to bring pattern and practice cases and cases involving an issue of general public importance is found in 42 U.S.C. 3614(a).

<sup>51</sup> A list of cases filed, tried, and settled by the Department of Justice is found on DOJ's website, at <http://www.usdoj.gov/crt/housing/caselist.htm>

<sup>52</sup> 42 U.S.C. 3613.

<sup>53</sup> HUD v. Twinbrook Apartments, supra, at fn.24, \$75,000 awarded to one complainant, \$40,000 to another, and \$20,000 to a third, with \$15,000 awarded in civil penalties; HUD v. Country Manor Apartments, supra at fn 22, \$7500 in compensatory damages, \$3,000 in civil penalties; HUD v. Pheasant Ridge Associates, HUDALJ, 05-94-0845-8 and 05-95-0155-8 (October 25, 1996), \$20,049 to one complainant and \$30,403 to a second.

# **ANNEX A**

## **DDS Expert Panel**

**Measuring Discrimination Against People with Disabilities  
Expert Panel Meeting  
January 13 and 14, 2003**

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## **ANNEX B**

# **Exploratory Phase Scenarios and Tester Instructions**

## DDS Exploratory Testing - Blind / Low Vision

	Disability Category		
	Blind/Guide Dog	Blind/Guide Dog LIHTC	Blind
Test Type	Paired In-Person Differential Treatment Accommodation	Paired In-Person Differential Treatment Accommodation	Paired In-Person Differential Treatment Accommodation
Number of Tests	6	3	7
Scenario	Disabled tester accompanied by guide dog visits housing provider for differential treatment and discusses accommodation to be tested. Non-disabled tester visits the housing provider for differential treatment.	Disabled tester accompanied by guide dog visits housing provider for differential treatment and discusses accommodation to be tested. Non-disabled tester visits the housing provider for differential treatment.	Disabled tester without companion animal visits housing provider for differential treatment and asks for accommodation. Non-disabled tester visits the housing provider for differential treatment.
Testers	Non-minority, any age	Non-minority, any age	Non-minority, any age
Tester Disability Parameters	Blind or low vision with service animal	Blind or low vision with service animal	Blind or low vision with some sort of assistance (cane, glasses) no service animal
Test Team	Disabled and non-disabled testers matched on gender, age range	Disabled and non-disabled testers matched on gender, age range	Disabled and non-disabled testers matched on gender, age range
Assigned Financial Characteristics	Both testers assigned income from employment that is sufficient to afford rent of target unit; Testers 62+ assigned retirement income sufficient to afford rent of target unit.	Both testers assigned income from employment that is sufficient to afford rent of target unit and meets income restrictions; Testers 62+ assigned retirement income sufficient to afford rent of target unit.	Both testers assigned income from employment that is sufficient to afford rent of target unit; Testers 62+ assigned retirement income sufficient to afford rent of target unit.
Other Assigned Characteristics	Single Adult Blind tester has guide dog	Single Adult Blind tester has guide dog	Single adult
Advance Call	Inquire about availability, price, size, location, office hours, pet policy and if appointment necessary.	Inquire about income/age restrictions, availability, price, size, location, office hours, pet policy and if appointment necessary.	Inquire about availability, price, size, location, office hours, and if appointment necessary.
Order of Visits	Random order	Random order	Random order
Initial Contact-Appointment Call or Drop-In Visit	Drop in preferred if Advance Call indicates and if ad has enough information. Appointments only if necessary. Appointment calls will be made by staff, not testers.	Drop in preferred if Advance Call indicates. Appointments only if necessary. Appointment calls will be made by staff, not testers.	Drop in preferred if Advance Call indicates and if ad has enough information. Appointments only if necessary. Appointment calls will be made by staff, not testers.
Initial Housing Request	"I am interested in the unit advertised for rent..."	"I am interested in any units that are available or may be available soon..."	"I am interested in the unit advertised for rent..."
Household Needs	Size of unit, rent amount, date available determined by information gathered from ad and Advance Call	Size of unit, rent amount, date available determined by information gathered from HUD and Advance Call	Size of unit, rent amount, date available determined by information gathered from ad and Advance Call
Other Units	Additional or alternative units of different size, but within rent range	Additional or alternative units of different size, but within rent range	Additional or alternative units of different size, but within rent range
Inspection	"Can you guide me through the available units?"	"Can you guide me through any units?"	"Can you guide me through the available units?"

	<b>Disability Category</b>		
	<b>BlInd/Guide Dog</b>	<b>BlInd/Guide Dog LIHTC</b>	<b>Blind</b>
Accommodation	Waive pet policy, pet fee, pet size and find out terms and conditions on guide dog.	Waive pet policy, pet fee, pet size and find out terms and conditions on guide dog.	"Would you read the application form aloud so I will know what information I will need to provide if I decide to apply?"
Unit Modification	None	None	None
<b>Treatment Indicators</b>			
Unit Availability	Advertised units, other units, number of units, unit numbers, building, and floor.	Available units, number of units, unit numbers, building, and floor, type of units.	Advertised units, other units, number of units, unit numbers, building, and floor.
Inspection	Number of units, unit numbers, building, and floor.	Number of units, unit numbers, building, and floor.	Number of units, unit numbers, building, and floor.
Housing Cost	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.
Agent Assistance and Service	Able to discuss housing, offered assistance, given or asked to complete application, told credit check/criminal background check required, told about amenities, arrangements for future contact made, follow-up provided.	Able to discuss housing, offered assistance, given or asked to complete application, told credit check/criminal background check required, told about amenities, arrangements for future contact made, follow-up provided.	Able to discuss housing, offered assistance, given or asked to complete application, told credit check/criminal background check required, told about amenities, arrangements for future contact made, follow-up provided.
Agent Inquiries	Inquiries about disability, source of income.	Inquiries about disability, source of income.	Inquiries about disability, source of income.
Agent Statements	Statements about disability or persons with disabilities.	Statements about disability or persons with disabilities.	Statements about disability or persons with disabilities.
Accommodation	Waiver on pet policy, pet fee, or size limit of assistance animal.	Waiver on pet policy, pet fee, or size limit of assistance animal.	Willingness to read application form aloud.
Unit Modification	None	None	None
Tester Initiated Follow-up	If response to accommodation is "maybe," Advanced Caller will make follow-up call one week after visit.	If response to accommodation is "maybe," Advanced Caller will make follow-up call one week after visit.	None

## DDS Exploratory Testing - Communication Disability / Deaf

	Disability Category			
	Communication Disability	Communication Disability / LIHTC	Deaf	Deaf / LIHTC
Test Type	Paired Phone Differential Treatment	Paired Phone Differential Treatment	Paired In-Person Differential Treatment Unit modification	Paired In-Person Differential Treatment Unit modification
Number of Tests	6	3	6	3
Scenario	Non-disabled tester calls housing provider for differential treatment. Disabled tester calls housing provider by using relay operator or TDD/TTY for differential treatment.	Non-disabled tester calls housing provider for differential treatment. Disabled tester calls housing provider by using relay operator or TDD/TTY for differential treatment.	Non-disabled tester visits housing provider for differential treatment and assesses the unit modification to be tested. Disabled tester visits the housing provider for differential treatment and asks for the assigned unit modification.	Non-disabled tester visits housing provider for differential treatment and assesses the unit modification to be tested. Disabled tester visits the housing provider for differential treatment and asks for the assigned unit modification.
Testers	Non-minority, any age	Non-minority, any age	Non-minority, any age	Non-minority, any age
Tester Disability Parameters	May use non-disabled tester posing as disabled tester, if no restrictions on TTY/TDD	May use non-disabled tester posing as disabled tester, if no restrictions on TTY/TDD	No physical disability but profoundly deaf. Note taking as primary form of communication, limited speaking ability.	No physical disability but profoundly deaf. Note taking as primary form of communication, limited speaking ability.
Test Team	Disabled and non-disabled testers matched on gender, age range	Disabled and non-disabled testers matched on gender, age range	Disabled and non-disabled testers matched on gender, age range	Disabled and non-disabled testers matched on gender, age range
Assigned Financial Characteristics	Both testers assigned income from employment that is sufficient to afford rent of target unit. Testers 62+ assigned retirement income sufficient to afford rent of target unit.	Both testers assigned income from employment that is sufficient to afford rent of target unit, and falls within income restrictions. Testers 62+ assigned retirement income sufficient to afford rent of target unit.	Both testers assigned income from employment that is sufficient to afford rent of target unit. Testers 62+ assigned retirement income sufficient to afford rent of target unit.	Both testers assigned income from employment that is sufficient to afford rent of target unit, and falls within income restrictions. Testers 62+ assigned retirement income sufficient to afford rent of target unit.
Other Assigned Characteristics	Single adult	Single adult	Single adult	Single adult
Advance Call	Inquire about availability, price, size, location.	Inquire about income/age restrictions, availability, price, size, location	Inquire about availability, price, size, location, office hours, and if appointment necessary	Inquire about income/age restrictions, availability, price, size, location, office hours, and if appointment necessary
Order of Calls or Visits	Random order	Random order	Random order	Random order
Initial Contact-Appointment Call or Drop-In Visit	Phone test- NO Appointment Calls; NO Visits	Phone test- NO Appointment Calls; NO Visits	Drop-in only, determined by advance call	Drop-in only, determined by advance call
Initial Housing Request	"I am interested in the unit you have advertised for rent..."	"I am interested in any units that are available or may be available for rent soon..."	"I am interested in the unit you have advertised for rent..."	"I am interested in any units that are available or may be available for rent soon..."

<b>Disability Category</b>				
	<b>Communication Disability</b>	<b>Communication Disability / LIHTC</b>	<b>Deaf</b>	<b>Deaf / LIHTC</b>
Household Needs	Size of unit, rent amount, date available determined by information gathered from advertisement and Advance Call.	Size of unit, rent amount, date available determined by information gathered from HUD and Advance Call.	Size of unit, rent amount, date available determined by information gathered from ad and Advance Call.	Size of unit, rent amount, date available determined by information gathered from HUD and Advance Call.
Other Units	Additional or alternative units of different size, but within rent range	Additional or alternative units of different size, but within rent range	Additional or alternative units of different size, but within rent range	Additional or alternative units of different size, but within rent range
Inspection	None	None	"Can I inspect the available units?"	"Can I inspect any units?"
Accommodation	None	None	None	None
Unit Modification	None		"Would you or Could I install flashing lights for the doorbell or fire alarm?"	"Would you/Could I install flashing lights for the doorbell or fire alarm?"
<b>Treatment Indicators</b>				
Unit Availability	Advertised units, other units, building and floor	Advertised units, other units building and floor	Advertised units, other units, number of units, unit numbers, building and floor	Available units, number of units, unit numbers, building and floor
Inspection	NA (phone)	NA (phone)	Number of units, unit numbers, quality of units, building, and floor.	Number of units, unit numbers, quality of units, building, and floor.
Housing Cost	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.
Agent Assistance and Service	Able to discuss housing, offered appointment to inspect units/pick up application, told credit check/criminal background check required, told about amenities, follow-up provided.	Able to discuss housing, offered appointment to inspect units/pick up application, told credit check/criminal background check required, told about amenities, follow-up provided.	Able to discuss housing, offered assistance, given or asked to complete application, told credit check/criminal background check required, told about amenities, arrangements for future contact made, follow-up provided.	Able to discuss housing, offered assistance, given or asked to complete application, told credit check/criminal background check required, told about amenities, arrangements for future contact made, follow-up provided.
Agent Inquiries	Inquiries about disability, source of income	Inquiries about disability, source of income	Inquiries about disability, source of income	Inquiries about disability, source of income
Agent Statements	Statements about disability or persons with disabilities	Statements about disability or persons with disabilities	Statements about disability or persons with disabilities	Statements about disability or persons with disabilities
Accommodation	None	None	None	None
Unit Modification	None	None	Make/allow modification	Make/allow modification
Tester Initiated Follow-up	None	None	If response to unit modification is "maybe," tester will make follow-up call one week after visit.	If response to unit modification is "maybe," tester will make follow-up call one week after visit.

## DDS Exploratory Testing - Mental Disability

	Disability Category		
	Mental Illness	Cognitive Disability/Accompanied	Cognitive Disability/Proxy
Test Type	Paired In-Person Differential Treatment	Paired, Accompanied In-Person Differential Treatment	Paired, Proxy Testers Phone Differential Treatment
Number of Tests	5	5	5
Scenario	Non-disabled tester visits the site for differential treatment and indicates lack of rental history due to past situation (living in dorm, recently divorced, etc.). Disabled tester visits the site for differential treatment and indicates a lack of rental history due to past living situation in group home (proxy for mental illness).	Accompanied non-disabled tester visits the site for differential treatment. Accompanied tester with cognitive disability visits the site for differential treatment.	Tester posing as friend of non-disabled prospective tenant phones the site for differential treatment. Tester posing as caseworker of disabled prospective tenant phones the site for differential treatment.
Testers	Non-minority, non-elderly	Non-minority, non-elderly	Non-minority, non-elderly
Tester Disability Parameters	No mobility impairment or physical disability	No mobility impairment or physical disability	NA (proxy)
Test Team	Disabled and non-disabled testers matched on gender, age range	Disabled and non-disabled testers matched on gender, age range; Non-disabled companions matched on gender, age range	Non-disabled proxies matched on gender, age range
Assigned Financial Characteristics	Both testers assigned income from employment that is sufficient to afford rent of target unit	Both testers assigned income from employment that is sufficient to afford rent of target unit	Both prospective tenants assigned income from employment that is sufficient to afford rent of target unit
Other Assigned Characteristics	Single adult, assigned different characteristics as proxy for mental illness	Single adult No rental history	Prospective tenants will be single adults with no rental history
Advance Call	Inquire about availability, price, size, location, office hours, and if appointment necessary	Inquire about availability, price, size, location, office hours, and if appointment necessary	Inquire about availability, price, size, location
Order of Visits	Random order	Random order	Random order
Initial Contact-Appointment Call or Drop-In Visit	Drop in preferred if Advance Call indicates and if ad has enough information. Appointments only if necessary. Appointment calls will be made by staff, not testers.	Drop in preferred if Advance Call indicates and if ad has enough information. Appointments only if necessary. Appointment calls will be made by staff, not testers.	NA (phone)
Initial Housing Request	"I am interested in the unit you have advertised for rent..."	"I am interested in the unit you have advertised for rent..."	"I am interested in the unit you have advertised for rent on behalf of my friend/client..."
Household Needs	Size of unit, rent amount, date available determined by information gathered from ad and Advance Call	Size of unit, rent amount, date available determined by information gathered from ad and Advance Call	Size of unit, rent amount, date available determined by information gathered from ad and Advance Call
Other Units	Additional or alternative units of different size, but within rent range	Additional or alternative units of different size, but within rent range	Additional or alternative units of different size, but within rent range
Inspection	"Can I inspect the available unit(s)?"	"Can I inspect the available unit(s)?"	NA (phone)

	<b>Disability Category</b>		
	<b>Mental Illness</b>	<b>Cognitive Disability/Accompanied</b>	<b>Cognitive Disability/Proxy</b>
Accommodation	None	None	None
Unit Modification	None	None	None
<b>Treatment Indicators</b>			
Unit Availability	Advertised units, other units, number of units, unit numbers, building, and floor	Advertised units, other units, number of units, unit numbers, building, and floor	Advertised units, other units, number of units, building, and floor
Inspection	Number of units, unit numbers, quality of units, building, and floor	Number of units, unit numbers, quality of units, building, and floor	NA (phone)
Housing Cost	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.
Agent Assistance and Service	Able to discuss housing, given or asked to complete application, told credit check/criminal background check required, told about amenities, arrangements for future contact made, follow-up provided.	Able to discuss housing, questions directed at companion, given or asked to complete application, told credit check/criminal background check required, told about amenities, arrangements for future contact made, follow-up provided.	Able to discuss housing, offered appointment to inspect units/pick up application, told credit check/criminal background check required, told about amenities, follow-up provided.
Agent Inquiries	Inquiries about disability, source of income	Inquiries about disability, source of income	Inquiries about disability, source of income
Agent Statements	Statements about disability or persons with disabilities.	Statements about disability or persons with disabilities.	Statements about disability or persons with disabilities.
Accommodation	None	None	None
Unit Modification	None	None	None
Tester Initiated Follow-up	None	None	None

## DDS Exploratory Testing - Physical Disability

	Disability Category			
	Wheelchair User	Wheelchair User/LIHTC	Wheelchair User/Elderly	Mobility Impaired
Test Type	Paired In-Person Differential Treatment Unit Modification	Paired In-Person Differential Treatment Unit Modification	Paired In-Person Differential Treatment	Non-paired Phone NA Accommodation
Number of Tests	6	3	7	7 (3 proxy)
Scenario	Test coordinator visits housing provider to assess accessibility of test site. (If test site is not accessible, no test will be conducted, but limited information will be gathered for analysis purposes.) If test site is accessible, a non-disabled tester visits the site for differential treatment and assesses the unit modification to be tested. Then a disabled tester using a wheelchair visits the site for differential treatment and asks for the assigned unit modification.	Non-disabled tester visits housing provider for differential treatment and assesses unit modification to be tested. Then a disabled tester using a wheelchair visits the housing provider for differential treatment and asks for the assigned unit modification.	Elderly non-disabled and elderly disabled testers visit elderly-only development for differential treatment.	Disabled tester (or proxy) calls housing provider and asks for accommodation.
Testers	Non-minority, non-elderly	Non-minority, non-elderly	Non-minority, elderly 55+	Non-minority, any age
Tester Disability Parameters	No cognitive or communicative disability. No service animal. May use a scooter instead of wheelchair.	No cognitive or communicative disability. No service animal. May use a scooter instead of wheelchair.	No cognitive or communicative disability. No service animal. May use a scooter instead of wheelchair.	No cognitive or communicative disability. No service animal.
Test Team	Disabled and non-disabled testers matched on gender, age range	Disabled and non-disabled testers matched on gender, age range	Disabled and non-disabled testers matched on gender, age range (55-61 and 62+)	NA (non-paired)
Assigned Financial Characteristics	Both testers assigned income from employment that is sufficient to afford rent of target unit	Both testers assigned income from employment that is sufficient to afford rent of target unit and meets income restrictions	Testers in age range 55-61 assigned income from employment sufficient to afford rent of target unit; Testers 62+ assigned retirement income sufficient to afford rent of target unit.	Testers assigned income from employment that is sufficient to afford rent of target unit. Testers 62+ assigned retirement income sufficient to afford rent of target unit.
Other Assigned Characteristics	Single adult Reason for wheelchair will be assigned	Single adult Reason for wheelchair will be assigned	Single adult Reason for wheelchair will be assigned	Single adult Disabled tester has physical disability (no wheelchair, no service animal) and requires parking accommodation.
Advance Call	Inquire about availability, price, size, location, office hours, and if appointment necessary.	Inquire about income/age restrictions, availability, price, size, location, office hours, and if appointment necessary.	Inquire about age requirements, availability, price, size, location, office hours, and if appointment necessary.	Inquire about availability, price, size, location, off-street parking.
Order of Visits	Non-disabled tester makes first visit	Non-disabled tester makes first visit	Random order	NA (non-paired)
Initial Contact-Appointment Call or Drop-In Visit	Drop in or Appointment Call as indicated by Advance Call and ad. Appointment calls will be made by staff, not testers.	Drop in or Appointment Call as indicated by Advance Call and ad. Appointment calls will be made by staff, not testers.	Drop in or Appointment Call as indicated by Advance Call and ad. Appointment calls will be made by staff, not testers.	NA (phone)
Initial Housing Request	"I am interested in the unit you have advertised for rent..."	"I am interested in any units that are available or may be available soon..."	"I am interested in the unit you have advertised for rent..."	"I am interested in the unit you have advertised for rent..."
Household Needs	Size of unit, rent amount, date available determined by information gathered from ad and Advance Call	Size of unit, rent amount, date available determined by information gathered from HUD and Advance Call	Size of unit, rent amount, date available determined by information gathered from ad and Advance Call	Size of unit, rent amount, date available determined by information gathered from ad and Advance Call
Other Units	Additional or alternative units of different size, but within rent range	Additional or alternative units of different size, but within rent range	Additional or alternative units of different size, but within rent range	Additional or alternative units of different size, but within rent range
Inspection	"Can I inspect the available unit(s)?"	"Can I inspect any unit(s)?"	"Can I inspect the available unit(s)?"	NA (phone)

	Disability Category			
	Wheelchair user	Wheelchair user/LIHTC	Wheelchair user/Elderly	Non-wheelchair User/Phone
Accommodation	None	None	None	Ask all of the following: "Could I get a handicapped accessible parking space?"  "Could I get a parking space within X feet of available unit?" "Could I get a designated parking space?"
Unit Modification	<u>One assigned from following:</u> "Would you/Could I install a ramp into the building?" "Would you/Could I install a ramp into the unit?" "Would you/Could I install grab bars in the bathroom?" "Would you/Could I change doors to swing hinges?" "Would you/Could I lower the light switches?" "Would you/Could I change the doorknobs to levers?"	<u>One assigned from following:</u> "Would you/Could I install a ramp into the building?" "Would you/Could I install a ramp into the unit?" "Would you/Could I install grab bars in the bathroom?" "Would you/Could I change doors to swing hinges?" "Would you/Could I lower the light switches?" "Would you/Could I change the doorknobs to levers?"	None	None
<b>Treatment Indicators</b>				
Unit Availability	Advertised units, other units, number of units, unit numbers, building and floor, type of units (handicapped, non-handicapped)	Available units, number of units, unit numbers, building and floor, type of units (handicapped, non-handicapped)	Advertised units, other units, number of units, unit numbers, building and floor, type of units (handicapped, non-handicapped)	Any available units
Inspection	Number of units, unit numbers, quality of units, building, and floor.	Number of units, unit numbers, quality of units, building, and floor.	Number of units, unit numbers, quality of units, building, and floor.	NA (phone)
Housing Cost	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.	Rent, security deposit, application and other fees, incentives, negotiability, and utilities.	If yes, then ask about rent.
Agent Assistance and Service	Able to discuss housing, offered assistance, given or asked to complete application, told credit check/criminal background check required, told about amenities, arrangements for future contact made, follow-up provided.	Able to discuss housing, offered assistance, given or asked to complete application, told credit check/criminal background check required, told about amenities, arrangements for future contact made, follow-up provided.	Able to discuss housing, offered assistance, given or asked to complete application, told credit check/criminal background check required, told about amenities, arrangements for future contact made, follow-up provided.	Able to discuss housing, offered appointment to inspect units/pick up application, follow-up provided.
Agent Inquiries	Inquiries about disability, source of income	Inquiries about disability, source of income	Inquiries about disability, source of income	Inquiries about disability, source of income
Agent Statements	Statements about disability or persons with disabilities.	Statements about disability or persons with disabilities.	Statements about disability or persons with disabilities.	Statements about disability or persons with disabilities.
Accommodation	None	None	None	Make accommodation
Unit Modification	Make/allow unit modification	Make/allow unit modification	None	None
Tester Initiated Follow-up	If response to unit modification is "maybe," tester will make follow-up call one week after visit	If response to unit modification is "maybe," tester will make follow-up call one week after visit	None	If response to accommodation is "maybe," tester will make follow-up call one week after initial call
Other Follow-up	If disabled tester is told that no housing is available, Advance Caller will call housing provider to inquire about availability.	If disabled tester is told that no housing is available, Advance Caller will call housing provider to inquire about availability.	None	None

## DISABILITY DISCRIMINATION STUDY – EXPLORATORY PHASE

# TEST INSTRUCTIONS

**SCENARIO: BLIND W/GUIDE DOG (PRIVATE MARKET AND LIHTC)**  
**BLIND W/O GUIDE DOG**  
**In-Person**  
**Differential Treatment**  
**Accommodation**

### A. Conducting the Test

In DDS, there are only two approaches that testers will make when conducting in-person tests:

- **A tester will drop in to visit a housing provider in response to an advertisement or listing for available housing;**

**or**

- **A tester will arrive for an appointment that was arranged by telephone with the housing provider in response to an advertisement or listing for available housing.**

The approach to be made by a tester will be determined by the Test Coordinator and specified on the Test Assignment Form.

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed below and will always be attached to the Test Assignment Form.

- **Review your test assignment**

You should review your test assignment thoroughly and make sure you have memorized your characteristics. The housing provider may ask you questions about your personal situation or financial circumstances, and you will need to be prepared to answer them.

## **Inquire about available rental housing**

Even if you have an appointment for your test, you should still confirm the availability of rental housing options when you arrive for your visit. There is an order or sequence that you should follow in asking about available rental housing. The request differs slightly for private market housing and LIHTC properties:

### **Blind- Private Market**

#### Step 1

Always inquire about the availability of any rental housing that has the same number of bedrooms as you are assigned. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

#### Step 2

Always inquire about any other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

### **Blind- LIHTC**

#### Step 1

Always inquire about any units that are available or will be available within the next 3-6 months that have the same number of bedrooms as in your assignment. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

#### Step 2

Always inquire about other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

If, at any point during the test, a housing provider offers or recommends that you consider a home or apartment, you should express interest in it, provided that the rental housing is (1) within your price range and (2) available for when you need it.

- **Ask the housing provider to guide you through an inspection of any available units**

You should ask to inspect any and all units that you are told are available that meet your needs.

- **Be prepared to show your driver's license or other ID**

The housing provider might request to hold your driver's license or other ID or a copy of it for security purposes prior to showing you rental units. Be agreeable to this request if your real name is being used. If the housing provider makes a copy of your license, make sure to get it back at the end of your visit.

- **Obtain information about the available rental housing**

Testers must express interest in and obtain detailed information about homes or apartments that are suggested by a housing provider during a test. Whenever testers are informed about rental housing that meets their needs (i.e., bedroom size, price range and date of availability), it is vital that certain information is obtained about each home or apartment suggested, including the following:

- **Exact Address (including each Unit #)**
- **Number of Bedrooms**
- **Rent Price**
- **Security Deposit**
- **Utilities Included (if any)**
- **Other Fees (if any)**
- **Length of Lease**
- **Date of Availability**
- **Income Eligibility Requirements (LIHTC ONLY)**

Testers may have to ask for some of the information listed above if it is not volunteered by the housing provider.

Also, without asking for an application, testers will inquire about whether any fees must be paid in order to apply for available rental units. Specifically, you will need to find out the purpose and amount of **any** fees that you would need to pay **at the time of application**. Remember, testers will **never** complete a rental application or formally apply for any rental unit. It is reasonable, however, for a prospective renter to inquire about any application fees that might be required prior to deciding whether to apply for available rental housing.

- **Ask the Housing Provider if there are any issues surrounding your service/guide dog** (*Disabled Tester with Guide Dog ONLY*)

You will ask the housing provider if there are any issues regarding service or guide animals. The housing provider may make comments regarding “pets,” “fees,” “restrictions,” or “conditions.”

If the housing provider says that: no “pets” are allowed; there is a size restriction on allowable animals; there is a fee for animals; or any other restriction or condition, you will ask if the restriction or condition could be waived because your dog is a service animal.

- **Ask the Housing Provider to read the Application Form** (*Disabled Tester without Guide Dog ONLY*)

If the housing provider requires the submission of an Application Form, you will ask the housing provider to read the form aloud to you so that you will know exactly the kinds of information you will need to provide should you decide to apply.

- **IF YOU ARE TOLD ABOUT A WAITING LIST, please follow these simple instructions:**
  - Ask how many people are on the waiting list.
  - Ask how long it might take to be offered a unit.
  - Do not ask to or agree to put your name on any waiting lists.

### **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your visit, please ask for it.

### **Allow the housing provider to suggest any follow-up contact**

Every test that a tester makes to a housing provider will come to an end. Testers should not initiate, suggest or offer to make any arrangements for future contact with the housing provider. As a tester, you may thank a housing provider for his or her assistance, but you must refrain from suggesting that you will get back to the housing provider or that the housing provider should contact you. **Please permit the housing provider to suggest any follow-up contact.**

### **Conduct tester-initiated follow-up, if instructed**

*(Disabled Tester with Guide Dog ONLY)*

Testers who receive an inconclusive or vague answer to their request for accommodation will be assigned to initiate a follow-up call to the housing provider. The Test Coordinator will let you know when such a call should be made.

You will make three (3) attempts to make a follow-up call. You will ask to speak to the same housing provider with whom you spoke during your in-person visit. You will remind the housing provider who you are and what your accommodation request was (e.g., pet fee waived for guide dog).

# DISABILITY DISCRIMINATION STUDY – EXPLORATORY PHASE

## TEST INSTRUCTIONS

**SCENARIO: COMMUNICATION DISABILITY (PRIVATE MARKET AND LIHTC)**  
**Telephone**  
**Differential Treatment**

### A. Conducting the Test

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed below and will always be attached to the Test Assignment Form.

- **Review and refer to your test assignment**

You should review your test assignment thoroughly and keep it with you during your telephone call so that you can refer to it if necessary. The housing provider may ask you questions about your personal situation or financial circumstances, and you will need to be prepared to answer them.

**Call the housing provider in response to the advertised housing. Be persistent when trying to reach the housing provider**

The disabled tester will call the housing provider using a TTY/TDD machine and a relay operator. The non-disabled tester will call the housing provider directly.

You will be required to make five (5) attempts to reach a housing provider within 48 hours (two days). You should call at different times of the day and on different days (i.e., weekdays and weekend days). Never leave a message on an answering machine or with a person who cannot discuss the housing with you. If you cannot reach the housing provider within 48 hours, notify your Test Coordinator.

- **Take Notes**

It is essential that testers **take good notes** during the telephone call. You will need these notes in order to complete the test report forms and narrative after your test has been completed.

### **Inquire about the available rental housing**

You should confirm the availability of rental housing options when you call the housing provider. There is an order or sequence that you should follow in asking about available rental housing. The request differs slightly for private market housing and LIHTC properties:

#### **Communication Disability- Step 1 Private Market**

Always inquire about the availability of any rental housing that has the same number of bedrooms as you are assigned. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

#### Step 2

Always inquire about any other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

#### **Communication Disability- Step 1 LIHTC**

Always inquire about any units that are available or will be available within the next 3-6 months that have the same number of bedrooms as in your assignment. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

#### Step 2

Always inquire about other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

If, at any point during the test, a housing provider offers or recommends that you consider a home or apartment, you should express interest in it, provided that the rental housing is (1) within your price range and (2) available for when you need it.

### **Obtain information about the available rental housing**

Testers must express interest in and obtain detailed information about homes or apartments that are suggested by a housing provider during the phone test. Whenever testers are informed about rental housing that meets their needs (i.e., bedroom size, price range and date of availability), it is vital that certain information is obtained about each home or apartment suggested, including the following:

- **Exact Address (and floor the unit is located on)**
- **Number of Bedrooms**
- **Rent Price**
- **Security Deposit**
- **Utilities Included (if any)**
- **Other Fees (if any)**
- **Length of Lease**
- **Date of Availability**
- **Income Eligibility Requirements (*LIHTC ONLY*)**

Testers may have to ask for some of the information listed above if it is not volunteered by the housing provider.

Also, testers will inquire about whether any fees must be paid in order to apply for available rental units. Specifically, you will need to find out the purpose and amount of **any** fees that you would need to pay **at the time of application**. Remember, testers will **never** complete a rental application or formally apply for any rental unit. It is reasonable, however, for a prospective renter to inquire about any application fees that might be required prior to deciding whether to apply for available rental housing.

If the housing provider asks if you would like an application mailed to you, be agreeable and provide your address. However, if the housing provider wants to make an appointment with you to come in to complete an application or view units, say that you are just beginning your housing search and are not interested in doing this at the present time.

**IF YOU ARE TOLD ABOUT A WAITING LIST, please follow these simple instructions:**

- Ask how many people are on the waiting list.
- Ask how long it might take to be offered a unit.
- Do not ask or agree to put your name on any waiting lists.

- **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your call, please ask for it.

- **Allow the housing provider to suggest any follow-up contact**

Every test that a tester makes to a rental housing provider will come to an end. Testers should not initiate, suggest or offer to make any arrangements for future contact with the housing provider. As a tester, you may thank a housing provider for his or her assistance, but you must refrain from suggesting that you will get back to the housing provider or that the housing provider should contact you. **Please permit the housing provider to suggest any follow-up contact.**

# DISABILITY DISCRIMINATION STUDY – EXPLORATORY PHASE

## TEST INSTRUCTIONS

### SCENARIO: DEAF (PRIVATE MARKET AND LIHTC)

In-Person

Differential Treatment

Unit Modification

#### A. Conducting the Test

In this type of DDS test, there is only one approach that testers will use when conducting in-person tests:

- **A tester will drop in to visit a rental housing provider in response to the advertised housing**

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed below and will always be attached to the Test Assignment Form.

- **Review your test assignment**

You should review your test assignment thoroughly and make sure you have memorized your characteristics. The housing provider may ask you questions about your personal situation or financial circumstances, and you will need to be prepared to answer them.

- **Take Notes**

It is essential that testers **take good notes** during the test if they are able to do so. It is perfectly natural for prospective renters to jot down information about the terms and conditions of renting available homes and apartments during their search for housing. You will need these notes in order to complete the test report forms and narrative after your test has been completed.

- **Communicate with housing provider through notes**  
(*Disabled Tester Only*)

The disabled tester will communicate with the housing provider through prepared note cards and through note writing. Basic questions about renting a unit can be prepared on cards before the test, with supervision of the Test Coordinator. Other questions, answers and comments beyond the basic questions must be handwritten during the test. Keep these notes and turn them in to the Test Coordinator after completing the test.

- **Inquire about available rental housing**

You should confirm the availability of rental housing options when you arrive for your visit. There is an order or sequence that you should follow in asking about available rental housing:

**Deaf-  
Private Market**

Step 1

Always inquire about the availability of any rental housing that has the same number of bedrooms as you are assigned. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

Step 2

Always inquire about any other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

**Deaf-  
LIHTC**

Step 1

Always inquire about any units that are available or will be available within the next 3-6 months that have the same number of bedrooms as in your assignment. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

Step 2

Always inquire about other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

If, at any point during the test, a housing provider offers or recommends that you consider a home or apartment, you should express interest in it, provided that the rental housing is (1) within your price range and (2) available for when you need it.

- **Ask to inspect any available units**

You should ask to inspect any and all units that you are told are available that meet your needs.

- **Be prepared to show your driver's license or other ID**

The housing provider might request to hold your driver's license or other ID or a copy of it for security purposes prior to showing you rental units. Be agreeable to this request if your real name is being used. If the housing provider makes a copy of your license, make sure to get it back at the end of your visit.

- **Obtain information about the available rental housing**

Testers must express interest in and obtain detailed information about homes or apartments that are suggested by a housing provider during a test. Whenever testers are informed about rental housing that meets their needs (i.e., bedroom size, price range and date of availability), it is vital that certain information is obtained about each home or apartment suggested, including the following:

- **Exact Address (including each Unit #)**
- **Number of Bedrooms**
- **Rent Price**
- **Security Deposit**
- **Utilities Included (if any)**
- **Other Fees (if any)**
- **Length of Lease**
- **Date of Availability**
- **Income Eligibility Requirements (*LIHTC ONLY*)**

Testers may have to ask for some of the information listed above if it is not volunteered by the housing provider.

Also, without asking for an application, testers will inquire about whether any fees must be paid in order to apply for available rental units. Specifically, you will need to find out the purpose and amount of **any** fees that you would need to pay **at the time of application**. Remember, testers will **never** complete a rental application or formally apply for any rental unit. It is reasonable, however, for a prospective renter to inquire about any application fees that might be required prior to deciding whether to apply for available rental housing.

If the housing provider offers you a rental application, you should agree to take one with you and let the housing provider know that you will complete it if you decide later that you want to apply.

- **Ask for a Unit Modification** (*Disabled Tester Only*)

After viewing all the units the housing provider has said were available for rent and that meet the tester's needs, you will ask for the unit modification that you are assigned on your Test Assignment Form. If the unit you are inspecting already has that modification, you will ask for another modification from the list below:

- ✓ Install flashing lights for the doorbell
- ✓ Install flashing lights for the fire alarm

*(Note: If a unit is available, but you are unable to inspect it [e.g., tenants still living there, housing provider can't find the key, etc.] you should still ask if a unit modification can be made.)*

You will first ask the **housing provider** if he or she would make the unit modification. If the housing provider says "yes," you should take notes about anything that is said regarding conditions placed on the modification.

If the housing provider says the modification cannot be made, you should ask if **you** can make the modification yourself. If the housing provider says "yes," you should take notes about anything that is said regarding conditions placed on the modification.

- **IF YOU ARE TOLD ABOUT A WAITING LIST, please follow these simple instructions:**

- Ask how many people are on the waiting list.
- Ask how long it might take to be offered a unit.
- Do not ask to or agree to put your name on any waiting lists.

- **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your visit, please ask for it.

- **Allow the housing provider to suggest any follow-up contact**

Every test that a tester makes to a housing provider will come to an end. Testers should not initiate, suggest or offer to make any arrangements for future contact with the housing provider. As a tester, you may thank a housing provider for his or her assistance, but you must refrain from suggesting that you will get back to the housing provider or that the housing provider should contact you. **Please permit the housing provider to suggest any follow-up contact.**

- **Conduct tester-initiated follow-up, if instructed**

Testers who receive an inconclusive or vague answer to their request for unit modification will be assigned to initiate a follow-up call to the housing provider. The Test Coordinator will let you know when such a call should be made.

You will make three (3) attempts to make a follow-up call. You will ask to speak to the same housing provider with whom you spoke during your in-person visit. You will remind the housing provider who you are and what your modification request was (e.g., install flashing lights for the doorbell).

## DISABILITY DISCRIMINATION STUDY – EXPLORATORY PHASE

# TEST INSTRUCTIONS

**SCENARIO: COGNITIVE/DEVELOPMENTAL DISABILITY - PROXY**  
**Telephone**  
**Differential Treatment**

### A. Conducting the Test

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed below and will always be attached to the Test Assignment Form.

- **Review and refer to your test assignment**

You will be making a call on behalf of a prospective tenant. You should review your test assignment thoroughly and keep it with you during your telephone call so that you can refer to it if necessary. The housing provider may ask you questions about the personal situation or financial circumstances of the person you are representing, and you will need to be prepared to answer them.

If the housing provider asks questions about YOUR personal situation or financial circumstances, you should firmly redirect the conversation towards the housing needs of the prospective tenant.

- **Call the housing provider in response to the advertised housing. Be persistent when trying to reach the housing provider**

You will call the telephone number in the advertisement indicated on your Test Assignment Form.

You will be required to make five (5) attempts to reach a housing provider within 48 hours (two days). You should call at different times of the day and on different days (i.e., weekdays and weekend days). Never leave a message on an answering machine or with a person who cannot discuss the housing with you. If you cannot reach the housing provider within 48 hours, notify your Test Coordinator.

- **Take Notes**

It is essential that testers **take good notes** during the telephone call. You will need these notes in order to complete the test report forms and narrative after your test has been completed.

- **Establish your relationship to the prospective tenant**

If you are posing as a proxy for a non-disabled person, tell the housing provider that you are calling on behalf of your sibling or friend who is out of town this week.

If you are posing as a proxy for a disabled person, tell the housing provider that you are calling on behalf of your client who has a cognitive or developmental disability. Refer to your test assignment for specific information about the person on whose behalf you are calling and about your own profile.

If the housing provider asks for information about you or inquires into your personal circumstances, you should firmly but politely redirect the conversation toward the person whom you are representing.

- **Inquire about the available rental housing**

You should confirm the availability of rental housing options when you call the housing provider. There is an order or sequence that you should follow in asking about available rental housing:

Step 1

Always inquire about the availability of any rental housing that has the same number of bedrooms as you are assigned. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

Step 2

Always inquire about any other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

If, at any point during the test, a housing provider offers or recommends that you consider a home or apartment, you should express interest in it, provided that the rental housing is (1) within your price range and (2) available for when you need it.

- **Obtain information about the available rental housing**

During the phone call, obtain detailed information about all the housing units that you are told are available that meet your needs, including the following:

- **Exact Address (and floor the unit is located on)**
- **Number of Bedrooms**
- **Rent Price**
- **Security Deposit**
- **Utilities Included (if any)**
- **Other Fees (if any)**
- **Length of Lease**
- **Date of Availability**

Testers may have to ask for some of the information listed above if it is not volunteered by the housing provider.

Also, testers will inquire about whether any fees must be paid in order to apply for available rental units. Specifically, you will need to find out the purpose and amount of **any** fees that you would need to pay **at the time of application**. Remember, testers will **never** complete a rental application or formally apply for any rental unit. It is reasonable, however, for a prospective renter to inquire about any application fees that might be required prior to deciding whether to apply for available rental housing.

If the housing provider asks if you would like an application mailed to you, be agreeable and provide your address on behalf of the person you are representing. However, if the housing provider offers to make an appointment to come in to complete an application or view units, say that you will have to check first with the person you are representing.

**IF YOU ARE TOLD ABOUT A WAITING LIST, please follow these simple instructions:**

- Ask how many people are on the waiting list.
- Ask how long it might take to be offered a unit.
- Do not ask to or agree to put your name on any waiting lists.

- **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your call, please ask for it.

- **Allow the housing provider to suggest any follow-up contact**

Every call that a tester makes to a housing provider will come to an end. Testers should not initiate, suggest, or offer to make any arrangements for future contact with the housing provider. As a tester, you may thank a housing provider for his or her assistance, but you must refrain from suggesting that you will get back to the housing provider or that the housing provider should contact you. **Please permit the housing provider to suggest any follow-up contact.**

## DISABILITY DISCRIMINATION STUDY – EXPLORATORY PHASE

# TEST INSTRUCTIONS

**SCENARIO: COGNITIVE/DEVELOPMENTAL DISABILITY - ACCOMPANIED**  
**In-Person**  
**Differential Treatment**

### A. Conducting the Test

In DDS, there are only two approaches that testers will make when conducting in-person tests:

**A tester will drop in to visit a housing provider in response to the advertised housing;**

**or**

**A tester will arrive for an appointment that was arranged by telephone with the housing provider in response to an advertisement.**

The approach to be made by a tester will be determined by the Test Coordinator and specified on the Test Assignment Form.

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed below and will always be attached to the Test Assignment Form.

- **Review your test assignment**

You should review your test assignment thoroughly and make sure you have memorized your characteristics. The housing provider may ask you questions about your personal situation or financial circumstances, and you will need to be prepared to answer them.

- **Take Notes**

It is essential that testers **take good notes** during the test if they are able to do so. It is perfectly natural for prospective renters to jot down information about the terms and conditions of renting available homes and apartments during their search for housing. You will need these notes in order to complete the test report forms and narrative after your test has been completed.

- **Companions are to remain neutral and not ask questions**

Companions are posing as friends of the testers and, as much as possible, need to stay in the background. The companion must allow the tester to conduct all inquiries. If the housing provider directs the conversation toward or asks questions of the companion, the companion should firmly but politely redirect the conversation back to the tester.

- **Inquire about available rental housing**

Even if you have an appointment for your test, you should still confirm the availability of rental housing options when you arrive for your visit. Whether you drop in or arrive for your appointment, there is an order or sequence that you should follow in asking about available rental housing:

Step 1

Always inquire about the availability of any rental housing that has the same number of bedrooms as you are assigned. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

Step 2

Always inquire about other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

If, at any point during the test, a housing provider offers or recommends that you consider a home or apartment, you should express interest in it, provided that the rental housing is (1) within your price range and (2) available for when you need it.

- **Ask to inspect any available units**

You should ask to inspect any and all units that you are told are available that meet your needs.

- **Be prepared to show your driver's license or other ID**

The housing provider might request to hold your driver's license or other ID or a copy of it for security purposes prior to showing you rental units. Be agreeable to this request if your real name is being used. If the housing provider makes a copy of your license, make sure to get it back at the end of your visit.

- **Obtain information about the available rental housing**

Testers must express interest in and obtain detailed information about homes or apartments that are suggested by a housing provider during a test. Whenever testers are informed about rental housing that meets their needs (i.e., bedroom size, price range and date of availability), it is vital that certain information is obtained about each home or apartment suggested, including the following:

- **Exact Address (including each Unit #)**
- **Number of Bedrooms**
- **Rent Price**
- **Security Deposit**
- **Utilities Included (if any)**
- **Other Fees (if any)**
- **Length of Lease**
- **Date of Availability**

Testers may have to ask for some of the information listed above if it is not volunteered by the housing provider.

Also, without asking for an application, testers will inquire about whether any fees must be paid in order to apply for available rental units. Specifically, you **will** need to find out the purpose and amount of **any** fees that you would need to pay **at the time of application**. Remember, testers will **never** complete a rental application or formally apply for any rental unit. It is reasonable, however, for a prospective renter to inquire about any application fees that might be required prior to deciding whether to apply for available rental housing.

If the housing provider offers you a rental application, you should agree to take one with you and let the housing provider know that you will complete it if you decide later that you want to apply.

**IF YOU ARE TOLD ABOUT A WAITING LIST, please follow these simple instructions:**

- Ask how many people are on the waiting list.
- Ask how long it might take to be offered a unit.
- Do not ask to or agree to put your name on any waiting lists.

### **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your visit, please ask for it.

### **Allow the housing provider to suggest any follow-up contact**

Every visit that a tester makes to a housing provider will come to an end. Testers should not initiate, suggest, or offer to make any arrangements for future contact with the housing provider. As a tester, you may thank a housing provider for his or her assistance, but you must refrain from suggesting that you will get back to the housing provider or that the housing provider should contact you. **Please permit the housing provider to suggest any follow-up contact.**

## DISABILITY DISCRIMINATION STUDY – EXPLORATORY PHASE

# TEST INSTRUCTIONS

**SCENARIO: MENTAL ILLNESS**  
**In-Person**  
**Differential Treatment**

### A. Conducting the Test

In DDS, there are only two approaches that testers will make when conducting in-person tests:

**A tester will drop in to visit a housing provider in response to the advertised housing;**

**or**

**A tester will arrive for an appointment that was arranged by telephone with the housing provider in response to an advertisement.**

The approach to be made by a tester will be determined by the Test Coordinator and specified on the Test Assignment Form.

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed below and will always be attached to the Test Assignment Form.

- **Review your test assignment**

You should review your test assignment thoroughly and make sure you have memorized your characteristics. The housing provider may ask you questions about your personal situation or financial circumstances, and you will need to be prepared to answer them.

- **Take Notes**

It is essential that testers **take good notes** during the test if they are able to do so. It is perfectly natural for prospective renters to jot down information about the terms and conditions of renting available homes and apartments during their search for housing. You will need these notes in order to complete the test report forms and narrative after your test has been completed.

- **Establish lack of rental history and reason**

*Early in the discussion with the housing provider, disabled testers must bring up the fact that they have just left a group home and are now looking to rent an apartment for themselves. They must indicate that they do not have a rental history because of this situation.*

*Early in the discussion with the housing provider, non-disabled testers must mention that they have just moved from a dorm room, a group house, or have recently gone through a divorce, as indicated on the Test Assignment Form. They must indicate that they do not have a rental history because of this situation.*

- **Inquire about available rental housing**

Even if you have an appointment for your test, you should still confirm the availability of rental housing options when you arrive for your visit. Whether you drop in or arrive for your appointment, there is an order or sequence that you should follow in asking about available rental housing:

Step 1

Always inquire about the availability of any rental housing that has the same number of bedrooms as you are assigned. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

Step 2

Always inquire about other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

If, at any point during the test, a housing provider offers or recommends that you consider a home or apartment, you should express interest in it, provided that the rental housing is (1) within your price range and (2) available for when you need it.

- **Ask to inspect any available units**

You should ask to inspect any and all units that you are told are available that meet your needs.

- **Be prepared to show your driver's license or other ID**

The housing provider might request to hold your driver's license or other ID or a copy of it for security purposes prior to showing you rental units. Be agreeable to this request if your real name is being used. If the housing provider makes a copy of your license, make sure to get it back at the end of your visit.

- **Obtain information about the available rental housing**

Testers must express interest in and obtain detailed information about homes or apartments that are suggested by a housing provider during a test. Whenever testers are informed about rental housing that meets their needs (i.e., price range and date of availability), it is vital that certain information is obtained about each home or apartment suggested, including the following:

- **Exact Address (including each Unit #)**
- **Number of Bedrooms**
- **Rent Price**
- **Security Deposit**
- **Utilities Included (if any)**
- **Other Fees (if any)**
- **Length of Lease**
- **Date of Availability**

Testers may have to ask for some of the information listed above if it is not volunteered by the housing provider.

Also, without asking for an application, testers will inquire about whether any fees must be paid in order to apply for available rental units. Specifically, you will need to find out the purpose and amount of **any fees** that you would need to pay **at the time of application**. Remember, testers will **never** complete a rental application or formally apply for any rental unit. It is reasonable, however, for a prospective renter to inquire about any application fees that might be required prior to deciding whether to apply for available rental housing.

If the housing provider offers you a rental application, you should agree to take one with you and let the housing provider know that you will complete it if you decide later that you want to apply.

**IF YOU ARE TOLD ABOUT A WAITING LIST, please follow these simple instructions:**

- Ask how many people are on the waiting list.
- Ask how long it might take to be offered a unit.
- Do not ask to or agree to put your name on any waiting lists.

- **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your visit, please ask for it.

- **Allow the housing provider to suggest any follow-up contact**

Every visit that a tester makes to a housing provider will come to an end. Testers should not initiate, suggest, or offer to make any arrangements for future contact with the housing provider. As a tester, you may thank a housing provider for his or her assistance, but you must refrain from suggesting that you will get back to the housing provider or that the housing provider should contact you. **Please permit the housing provider to suggest any follow-up contact.**

## DISABILITY DISCRIMINATION STUDY – EXPLORATORY PHASE

# TEST INSTRUCTIONS

**SCENARIO: MOBILITY IMPAIRED**  
**Telephone**  
**Accommodation**

### A. Conducting the Test

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed in the instructions that will always be attached to the Test Assignment Form. They are also described below:

- **Review and refer to your test assignment**

You should review your test assignment thoroughly and keep it with you during your telephone call so that you can refer to it if necessary. The housing provider may ask you questions about your personal situation or financial circumstances, and you will need to be prepared to answer them.

- **Call the housing provider in response to the advertised housing. Be persistent when trying to reach the housing provider**

You will call the telephone number in the advertisement indicated on your Test Assignment Form.

You will be required to make five (5) attempts to reach a housing provider within 48 hours (two days). You should call at different times of the day and on different days (i.e., weekdays and weekend days). Never leave a message on an answering machine or with a person who cannot discuss the housing with you. If you cannot reach the housing provider within 48 hours, notify your Test Coordinator.

- **Take Notes**

It is essential that testers **take good notes** during the telephone call. You will need these notes in order to complete the test report form and narrative after your test has been completed.

- **Inquire about the available rental housing**

You should ask if there is any rental housing available (remember, the housing must be within your assigned price range and available when you need it). If it is available, express interest in it.

- **Obtain information about the available rental housing**

During the phone call, obtain detailed information about all the housing units that you are told are available that meet your needs, including the following:

- **Exact address (and floor the unit is located on)**
- **Number of Bedrooms**
- **Rent Price**
- **Date of Availability**

- **Ask for the Parking Space Accommodation**

If you are told that a rental unit is available that meets your needs, you will ask the housing provider for a parking accommodation. The request should be made as follows:

1. Ask the housing provider if there is a “handicapped-accessible” parking space that could be designated for your use.
2. If the housing provider says “yes,” ask if this “handicapped-accessible” parking space could be located near the available unit(s) or near the entrance closest to the available unit(s).
3. If the housing provider says “no,” that a “handicapped-accessible” parking space cannot be designated for your use, ask if there is ANY parking space that can be designated for your use.
4. If the housing provider says “yes,” ask if this parking space could be located near the available unit(s) or near the entrance closest to the available unit(s).
5. If the housing provider has told you that a parking space could be designated for you, whether a “handicapped-accessible” space or some other space, ask if there is any fee required.

- **Allow the housing provider to provide service, but DO NOT commit to anything**

If the housing provider asks if you would like an application mailed to you, be agreeable and provide your address. However, if the housing provider wants to make an appointment with you to come in to complete an application or view units, say that you are just beginning your housing search and are not interested in doing this at the present time.

- **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your call, please ask for it.

- **Allow the housing provider to suggest any follow-up contact**

Every call that a tester makes to a housing provider will come to an end. Testers should not initiate, suggest, or offer to make any arrangements for future contact with the housing provider. As a tester, you may thank a housing provider for his or her assistance, but you must refrain from suggesting that you will get back to the housing provider or that the housing provider should contact you. **Please permit the housing provider to suggest any follow-up contact.**

- **Conduct tester-initiated follow-up, if instructed**

Testers who receive an inconclusive or vague answer to their request for accommodation will be assigned to initiate a follow-up call to the housing provider. The Test Coordinator will let you know when such a call should be made.

You will make three (3) attempts to make a follow-up call. You will ask to speak to the same housing provider with whom you spoke during your initial telephone call. You will remind the housing provider who you are and what your accommodation request was (i.e., designated parking space close to the available apartment or near the building entryway).

DISABILITY DISCRIMINATION STUDY – EXPLORATORY PHASE  
**TEST INSTRUCTIONS**

**SCENARIO: WHEELCHAIR USER – PRIVATE MARKET AND LIHTC**  
**In-Person**  
**Differential Treatment**  
**Unit Modification**

**A. Conducting the Test**

In DDS, there are only two approaches that testers will make when conducting in-person tests:

**A tester will drop in to visit a housing provider in response to an advertisement or listing for available housing;**

**or**

**A tester will arrive for an appointment that was arranged by telephone with the housing provider in response to an advertisement or listing for available housing.**

The approach to be made by a tester will be determined by the Test Coordinator and specified on the Test Assignment Form.

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed below and will always be attached to the Test Assignment Form.

- **Review your test assignment**

You should review your test assignment thoroughly and make sure you have memorized your characteristics. The housing provider may ask you questions about your personal situation or financial circumstances, and you will need to be prepared to answer them.

- **Take Notes**

It is essential that testers **take good notes** during the test if they are able to do so. It is perfectly natural for prospective renters to jot down information about the terms and conditions of renting available homes and apartments during their search for housing. You will need these notes in order to fill out the Test Report Forms after your test has been completed.

- **Inquire about available rental housing**

Even if you have an appointment for your test, you should still confirm the availability of rental housing options when you arrive for your visit. There is an order or sequence that you should follow in asking about available rental housing, and the request differs slightly for private market housing and LIHTC properties:

**Wheelchair User-  
Private Market**

Step 1

Always inquire about the availability of any rental housing that has the same number of bedrooms as you are assigned. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

Step 2

Always inquire about other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

**Wheelchair User-  
LIHTC**

Step 1

Always inquire about any units that are available or will be available within the next 3-6 months that have the same number of bedrooms as in your assignment. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

Step 2

Always inquire about other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

If, at any point during the test, a housing provider offers or recommends that you consider a home or apartment, you should express interest in it, provided that the rental housing is (1) within your price range and (2) available for when you need it.

- **Ask to inspect any available units**

You should ask to inspect any and all units that you are told are available that meet your needs.

- **Be prepared to show your driver's license or other ID**

The housing provider might request to hold your driver's license or other ID or a copy of it for security purposes prior to showing you rental units. Be agreeable to this request if your real name is being used. If the housing provider makes a copy of your license, make sure to get it back at the end of your visit.

- **Obtain information about the available rental housing**

Testers must express interest in and obtain detailed information about homes or apartments that are suggested by a housing provider during a test. Whenever testers are informed about rental housing that meets their needs (i.e., bedroom size, price range and date of availability), it is vital that certain information is obtained about each home or apartment suggested, including the following:

- **Exact Address (including each Unit #)**
- **Number of Bedrooms**
- **Rent Price**
- **Security Deposit**
- **Utilities Included (if any)**
- **Other Fees (if any)**
- **Length of Lease**
- **Date of Availability**
- **Income Eligibility Requirements (*LIHTC ONLY*)**

Testers may have to ask for some of the information listed above if it is not volunteered by the housing provider.

Also, without asking for an application, testers will inquire about whether any fees must be paid in order to apply for available rental units. Specifically, you will need to find out the purpose and amount of **any** fees that you would need to pay **at the time of application**. Remember, testers will **never** complete a rental application or formally apply for any rental unit. It is reasonable, however, for a prospective renter to inquire about any application fees that might be required prior to deciding whether to apply for available rental housing.

If the housing provider offers you a rental application, you should agree to take one with you and let the housing provider know that you will complete it if you decide later that you want to apply.

- **Assess the Unit Modification to be Requested by your Tester Partner** (*Non-disabled Tester Only*)

As you inspect the units, you will need to make an assessment of what unit modification your tester partner should ask for from the list below.

- ✓ Install a ramp into the unit
- ✓ Install grab bars in the shower or bathtub
- ✓ Lower the light switches
- ✓ Change the doors to swing hinges
- ✓ Change the doorknobs to levers

After you complete the test, you will need to call your Test Coordinator immediately and let him or her know which modification you have assessed to be the most appropriate for this test.

- **Ask for a Unit Modification** (*Disabled Tester Only*)

After viewing all the units the housing provider has said were available for rent and that meet the tester's needs, you will ask for the unit modification that you are assigned on your Test Assignment Form. If the unit you are inspecting already has that modification, you will ask for another modification from the list below:

- ✓ Install a ramp into the unit
- ✓ Install grab bars
- ✓ Lower the light switches
- ✓ Change the doors to swing hinges
- ✓ Change the doorknobs to levers

*(Note: If a unit is available, but you are unable to inspect it (e.g., tenants still living there, housing provider can't find the key, etc.) you should still ask if a unit modification can be made.)*

You will first ask the **housing provider** if he or she would make the unit modification. If the housing provider says "yes," you should take notes about anything that is said regarding conditions placed on the modification.

If the housing provider says the modification cannot be made, you should ask if **you** can make the modification yourself. If the housing provider says "yes," you should take notes about anything that is said regarding conditions placed on the modification.

- **IF YOU ARE TOLD ABOUT A WAITING LIST, please follow these simple instructions:**

- Ask how many people are on the waiting list.
- Ask how long it might take to be offered a unit.
- Do not ask to or agree to put your name on any waiting lists.

- **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your visit, please ask for it.

- **Allow the housing provider to suggest any follow-up contact**

Every test that a tester makes to a housing provider will come to an end. Testers should not initiate, suggest or offer to make any arrangements for future contact with the housing provider. As a tester, you may thank a housing provider for his or her assistance, but you must refrain from suggesting that you will get back to the housing provider or that the housing provider should contact you. **Please permit the housing provider to suggest any follow-up contact.**

- **Conduct tester-initiated follow-up, if instructed**

Testers who receive an inconclusive or vague answer to their request for unit modification will be assigned to initiate a follow-up call to the housing provider. The Test Coordinator will let you know when such a call should be made.

You will make three (3) attempts to make a follow-up call. You will ask to speak to the same housing provider with whom you spoke during your in-person visit. You will remind the housing provider who you are and what your modification request was (e.g., install a grab bar, lower light switches, etc.)

## DISABILITY DISCRIMINATION STUDY – EXPLORATORY PHASE

# TEST INSTRUCTIONS

**SCENARIO: WHEELCHAIR USER – ELDERLY**  
**In-Person**  
**Differential Treatment**

### A. Conducting the Test

In DDS, there are only two approaches that testers will make when conducting in-person tests:

**A tester will drop in to visit a housing provider in response to the advertised housing;**

**or**

**A tester will arrive for an appointment that was arranged by telephone with the housing provider in response to an advertisement.**

The approach to be made by a tester will be determined by the Test Coordinator and specified on the Test Assignment Form.

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed below and will always be attached to the Test Assignment Form.

- **Review your test assignment**

You should review your test assignment thoroughly and make sure you have memorized your characteristics. The housing provider may ask you questions about your personal situation or financial circumstances, and you will need to be prepared to answer them.

- **Take Notes**

It is essential that testers **take good notes** during the test if they are able to do so. It is perfectly natural for prospective renters to jot down information about the terms and conditions of renting available homes and apartments during their search for housing. You will need these notes in order to complete the test report forms and narrative after your test has been completed.

- **Inquire about available rental housing**

Even if you have an appointment for your test, you should still confirm the availability of rental housing options when you arrive for your visit. Whether you drop in or arrive for your appointment, there is an order or sequence that you should follow in asking about available rental housing:

Step 1

Always inquire about the availability of any rental housing that has the same number of bedrooms as you are assigned. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

Step 2

Always inquire about other rental housing that might meet your needs. Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

If, at any point during the test, a housing provider offers or recommends that you consider a home or apartment, you should express interest in it, provided that the rental housing is within your price range and available when you need it.

- **Ask to inspect any available units**

You should ask to inspect any and all units that you are told are available that meet your needs.

- **Be prepared to show your driver's license or other ID**

The housing provider might request to hold your driver's license or other ID or a copy of it for security purposes prior to showing you rental units. Be agreeable to this request if your real name is being used. If the housing provider makes a copy of your license, make sure to get it back at the end of your visit.

- **Obtain information about the available rental housing**

Testers must express interest in and obtain detailed information about homes or apartments that are suggested by a housing provider during a test. Whenever testers are informed about rental housing that meets their needs (i.e., bedroom size, price range and date of availability), it is vital that certain information is obtained about each home or apartment suggested, including the following:

- **Exact Address (including each Unit #)**
- **Number of Bedrooms**
- **Rent Price**
- **Security Deposit**
- **Utilities Included (if any)**
- **Other Fees (if any)**
- **Length of Lease**
- **Date of Availability**
- **Age Requirements**
- **Income or Other Restrictions (if any)**

Testers may have to ask for some of the information listed above if it is not volunteered by the housing provider.

Also, without asking for an application, testers will inquire about whether any fees must be paid in order to apply for available rental units. Specifically, you will need to find out the purpose and amount of **any** fees that you would need to pay **at the time of application**. Remember, testers will **never** complete a rental application or formally apply for any rental unit. It is reasonable, however, for a prospective renter to inquire about any application fees that might be required prior to deciding whether to apply for available rental housing.

If the housing provider offers you a rental application, you should agree to take one with you and let the housing provider know that you will complete it if you decide later that you want to apply.

- **IF YOU ARE TOLD ABOUT A WAITING LIST, please follow these simple instructions:**

- Ask how many people are on the waiting list.
- Ask how long it might take to be offered a unit.
- Do not ask to or agree to put your name on any waiting lists.

- **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your visit, please ask for it.

- **Allow the housing provider to suggest any follow-up contact**

Every test that a tester makes to a housing provider will come to an end. Testers should not initiate, suggest or offer to make any arrangements for future contact with the housing provider. As a tester, you may thank a housing provider for his or her assistance, but you must refrain from suggesting that you will get back to the housing provider or that the housing provider should contact you. **Please permit the housing provider to suggest any follow-up contact.**



## **ANNEX C**

# **Pilot Phase Scenarios and Tester Instructions**

## DDS Pilot Phase Scenarios

	Disability Category	
	Communication Disability	Wheelchair User
Test Type	Paired Phone Differential Treatment	Paired In-Person Differential Treatment Accommodation (Parking) Unit Modification
Number of Tests	100	100
Scenario	Non-disabled tester calls housing provider. Disabled tester calls housing provider by using TTY/TDD with relay operator.	Test coordinator visits housing provider to assess visitability by wheelchair user of test site. (If test site is not visitable by wheelchair user, no test will be conducted, but limited information will be gathered for analysis purposes.) If test site is accessible, a test will be conducted.
Testers	Any Age	Any Age
Tester Disability Parameters	Tester will need to be proficient in standard English writing.	No cognitive or communicative disability. No service animal. May use a manual or motorized wheelchair or scooter.
Test Team	Disabled and non-disabled testers matched on race, gender, age range	Disabled and non-disabled testers matched on race, gender, age range
Assigned Financial Characteristics	Both testers assigned income from employment that is sufficient to afford rent of target unit. Testers 62+ assigned retirement income sufficient to afford rent of target unit.	Both testers assigned income from employment that is sufficient to afford rent of target unit. Testers 62+ assigned retirement income sufficient to afford rent of target unit.
Other Assigned Characteristics	Single adult; no children	Single adult; no children. Reason for wheelchair will be assigned.
Advance Call	Inquire about availability, price, size, location, office hours.	Inquire about availability, price, size, location, office hours, and if appointment necessary.
Order of Calls or Visits	Random order	Random order
Initial Contact	Phone test- NO Appointment Calls; NO Visits	Drop in unless an Appointment Call is indicated by Advance Call and/or ad. Appointment calls will be made by testers.
Initial Housing Request	"I am interested in the unit you have advertised for rent..."	"I am interested in the unit you have advertised for rent..."
Household Needs	Size of unit, rent amount, date available determined by information gathered from advertisement and Advance Call	Size of unit, rent amount, date available determined by information gathered from advertisement and Advance Call
Other Units	Additional or alternative units of different size, but within rent range if assigned unit not available	Additional or alternative units of different size, but within rent range if assigned unit not available
Inspection	None	"Can I inspect the available unit(s)?"
Accommodation	None	Request for Parking (TBD)
Unit Modification	None	<u>One assigned from following:</u> "Would you/Could I install a ramp into the unit?" "Would you/Could I install grab bars in the bathroom?" "Would you/Could I change doors to swing hinges?" "Would you/Could I lower the light switches?" "Would you/Could I change the doorknobs to levers?"

## TEST INSTRUCTIONS

<b>Scenario:</b> <b>Communication Disability</b> <b>Telephone</b> <b>Differential Treatment</b>
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### A.    **Conducting the Test**

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed below and will always be attached to the Test Assignment Form.

- **Review and refer to your test assignment**

You should review your test assignment thoroughly and keep it with you during your telephone call so that you can refer to it if necessary. The housing provider may ask you questions about your personal situation or financial circumstances, and you will need to be prepared to answer them.

- **Call the housing provider in response to the advertised housing. Be persistent when trying to reach the housing provider**

The disabled tester will call the housing provider using a TTY/TDD machine and a relay operator. The non-disabled tester will call the housing provider directly.

You will be required to make five (5) attempts to reach a housing provider within 24 hours. You should call at different times of the day. Never leave a message on an answering machine or with a person who cannot discuss the housing with you. If you cannot reach the housing provider within 24 hours, notify your Test Coordinator.

- **Take Notes**

It is essential that testers **take good notes** during the telephone call. You will need these notes in order to complete the test report forms and narrative after your test has been completed.

- **Inquire about the available rental housing**

You should confirm the availability of rental housing options when you call the housing provider. There is an order or sequence that you should follow in asking about available rental housing.

Step 1

Always inquire about the availability of any rental housing that has the same number of bedrooms as you are assigned. If it is available, express interest in it. Remember, the housing must be within your assigned price range and available when you need it.

Step 2

**If no housing is available with the number of bedrooms assigned, inquire about any other rental housing that might meet your needs.** Remember, the rental housing must be in your assigned price range and available when you need it, according to your assignment.

If, at any point during the test, a housing provider offers or recommends that you consider a home or apartment, you should express interest in it, provided that the rental housing is (1) within your price range and (2) available for when you need it.

- **Obtain information about the available rental housing**

Testers must express interest in and obtain detailed information about homes or apartments that are suggested by a housing provider during the phone test. Whenever testers are informed about rental housing that meets their needs (i.e., bedroom size, price range and date of availability), it is vital that certain information is obtained about each home or apartment suggested, including the following:

- **Exact Address (and floor the unit is located on)**
- **Number of Bedrooms**
- **Rent Price**
- **Security Deposit**
- **Other Fees (if any)**
- **Length of Lease**
- **Date of Availability**

Testers may have to ask for some of the information listed above if it is not volunteered by the housing provider.

Also, testers will inquire about the application process and if any fee is required. Testers should also make note of the purpose and amount of any other fees and if those fees would need to be paid at the time of application.

Remember, testers will **never** complete a rental application or formally apply for any rental unit. It is reasonable, however, for a prospective renter to inquire about any application fees that might be required prior to deciding whether to apply for available rental housing.

If the housing provider asks if you would like an application mailed to you, be agreeable and provide your address. However, if the housing provider wants to make an appointment with you to come in to complete an application or view units, say that you are just beginning your housing search and are not interested in doing this at the present time.

- **IF YOU ARE TOLD ABOUT A WAITING LIST, please follow these simple instructions:**
  - Ask how many people are on the waiting list.
  - Ask how long it might take to be offered a unit.
  - Do not ask or agree to put your name on any waiting lists.

- **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your call, please ask for it.

- **Allow the housing provider to suggest any follow-up contact**

Every call that a tester makes to a rental housing provider will come to an end. Testers should not initiate, suggest or offer to make any arrangements for future contact with the housing provider. As a tester, you may thank a housing provider for his or her assistance, but you must refrain from suggesting that you will get back to the housing provider or that the housing provider should contact you.

**Please permit the housing provider to suggest any follow-up contact.**

Following are some examples to illustrate how a test might unfold and how you should inquire about housing availability. These examples should NOT be viewed as “scripts” for how you should make your calls, but should serve as a guide on how to conduct the test while adhering strictly to the DDS protocols.

## EXAMPLE 1

**Advertised Housing:** 2-bedroom apartment available June 1<sup>st</sup> that rents for \$1300.

**Tester Assignment:** 2 bedroom apartment needed by June 15<sup>th</sup>. Rent limit is \$1325.

*Housing Provider:* Hello, Saguario Apartments.

*Tester:* Hi, I'm calling about the 2-bedroom apartment for rent. Is it still available?

*Housing Provider:* No, I just rented that one.

*Tester:* Do you have any other apartments that would be available by June 15<sup>th</sup>?

*Housing Provider:* There is a 2-bedroom unit that should be available by the 15<sup>th</sup>. It rents for \$1400. And then I will also have a 1-bedroom as well. That will rent for \$1275.

*Tester:* I'd be interested in the 1- bedroom then. Can you tell me about the unit?

*Housing Provider:* It's on the 4<sup>th</sup> floor of the building. The rooms are a nice size and there is plenty of light. The kitchen was updated a couple of years ago. There is laundry on the ground level of the building and an exercise room.

*Tester:* Do you require a security deposit or any fees for applying?

*Housing Provider:* The deposit is one month's rent, but there aren't any other fees. We do ask for references though.

*Tester:* And the apartment is available as of June 15th, right? How long is the lease?

*Housing Provider:* It's a one year lease usually. Yes, the apartment could be rented for June 15th.

*Tester:* Thanks for the information. I'm calling about a few places I've seen advertised. What is your name, by the way?

*Housing Provider:* Felipe. Well, if you want to take a look at it, just stop by.

*Tester:* Ok. Thanks again.

## EXAMPLE 2

**Advertised Housing:** 2-bedroom apartment available June 1<sup>st</sup> that rents for \$1300.

**Tester Assignment:** 2-bedroom apartment needed by June 15<sup>th</sup>. Rent limit is \$1325.

Disabled tester places call over a TTY/TTD machine via a relay operator.

*Housing Provider: Hello, Saguaro Apartments.*

*Tester: Hi, I'm calling about the 2-bedroom apartment for rent. Is it still available?*

*Housing Provider: What kind of call is this?*

*Tester: I'm calling through a relay operator because I can't speak to you directly.*

*Housing Provider: I'm sorry. I'm not set up to take such a call.*

*Tester: The relay operator can help us communicate. You don't need anything special on your end to take the call.*

*Housing Provider: Sorry. I'm just swamped right now and can't take the time.*

*Tester: Can you tell me if the 2-bedroom apartment is still available?*

*Housing Provider: No, it's been rented. (hangs up phone)*

## TEST INSTRUCTIONS

**SCENARIO: WHEELCHAIR USER**

**In-Person**

**Differential Treatment**

**Unit Modification/Parking Accommodation**

### A. Conducting the Test

In DDS, there are only two approaches that testers will make when conducting in-person tests:

- A tester will drop in to visit a housing provider in response to an advertisement or listing for available housing;

or

- A tester will arrive for an appointment that was arranged by telephone with the housing provider in response to an advertisement or listing for available housing.

The approach to be made by a tester will be determined by the Test Coordinator and specified on the Test Assignment Form.

There are some tasks that all DDS testers are expected to complete on every test of a housing provider. These tasks are detailed below and will always be attached to the Test Assignment Form.

- **Review your test assignment**

You should review your test assignment thoroughly and make sure you have memorized your characteristics. The housing provider may ask you questions about your personal situation or financial circumstances, and you will need to be prepared to answer them.

- **Take Notes**

It is essential that testers **take good notes** during the test. It is perfectly natural for prospective renters to jot down information about the terms and conditions of renting available homes and apartments during their search for housing. You will need these notes in order to fill out the Test Report Forms after your test has been completed.

- **Inquire about available rental housing**

Even if you have an appointment for your test, you should still confirm the availability of rental housing options when you arrive for your visit. There is an order or sequence that you should follow in asking about available rental housing:

Step 1

Always inquire about the availability of any rental housing that has the same number of bedrooms as you are assigned. If it is available, express interest in it. Remember, the housing must not be over your maximum rent amount and available when you need it.

Step 2

If no housing is available with the number of bedrooms assigned, inquire about any other rental housing that might meet your needs, according to your assignment. It must (1) have at least the minimum number of bedrooms; (2) not be over your maximum rent amount; and (3) be available when you need it.

If, at any point during the test, a housing provider offers or recommends that you consider a home or apartment, you should express interest in it, provided that the rental housing meets your needs according to your assignment.

- **Obtain information about the available rental housing**

Testers must express interest in and obtain detailed information about apartments that are suggested by a housing provider during a test. Whenever testers are informed about rental housing that meets their needs (i.e., bedroom size, price limit and date of availability), it is vital that certain information is obtained about each apartment suggested, including the following:

- **Exact Address (including unit #)**
- **Number of Bedrooms**
- **Rent Amount**
- **Security Deposit**
- **Other Fees (if any)**
- **Length of Lease**

- **Date of Availability**
- **Application Process**

Testers may have to ask for some of the information listed above if not volunteered by the housing provider.

When testers inquire about the **application process**, they will ask if any fee is required. Testers should also make note of the purpose and amount of any other fees and if those fees would need to be paid at the time of application. Remember, testers will **never** ask for or complete a rental application or formally apply for any rental unit.

If the housing provider offers you a rental application, you should agree to take one with you and let the housing provider know that you will complete it if you decide later that you want to apply.

- **Ask to inspect any available units**

After you are told about all units that are available that meet your needs, you will then ask to inspect them. You are to try to inspect ALL units that you are told are available. You should also be open to inspecting model units and units that are similar to the ones that are actually available (such as the manager's unit).

- **Be prepared to show your driver's license or other ID**

The housing provider might request to hold your driver's license or other ID or a copy of it for security purposes prior to showing you rental units. Be agreeable to this request. If the housing provider makes a copy of your license, make sure to get it back at the end of your visit.

- **Ask for a Unit Modification** (*Disabled Testers Only*)

If a unit is available and you are able to inspect it, you will ask if you can make a unit modification. You should try to wait until AFTER you have been told about all available units before making this request.

Please follow the order listed below to determine which type of unit modification you should request. You may ask for more than one modification for a specific type, as indicated.

Modification Type 1: **Modify unit entry way** (you may ask for more than one of the following: widen doorway, remove threshold, install ramp, reverse swing of door)

Modification Type 2: **Modify bathroom** (you may ask for more than one of the following: widen doorway, remove cabinets under sink, install grab bars around toilet)

Modification Type 3: **Modify switches** (you should ask for only one of the following: lower thermostat controls, lower light switches)

Modification Type 4: **Modify door handles** (change doorknobs to levers)

*If you are unable to inspect an available unit [e.g., tenants still living there, housing provider can't find the key, etc.], you should ask if you can install a grab bar around the toilet area.*

- **Ask for a Parking Accommodation** (*Disabled Testers Only*)

If a unit is available and the test site has on-site parking, you will ask if a “handicapped-accessible” parking space can be made available near the unit or building entrance. If the housing provider says that another type of parking space could be made available to you, ask if the space can be made “handicapped accessible.”

- **If you are told about a Waiting List, please follow these instructions:**

- Ask how many people are on the waiting list.
- Ask how long it might take to be offered a unit.
- Do not ask to or agree to put your name on any waiting lists.

- **Obtain the name of the housing provider**

If the housing provider has not volunteered his or her name by the end of your visit, please ask for it.

- **Allow the housing provider to suggest any follow-up contact**

At the conclusion of your test visit, you should NOT initiate, suggest or offer to make any arrangements for future contact with the housing provider. You should simply thank the housing provider for his or her time and assistance, but you **MUST NOT** suggest any kind of follow-up, such as “I will call you when I decide.” Please let the housing provider suggest any follow-up contact.

- **Conduct tester-initiated follow-up, if instructed**

Testers who receive an inconclusive or vague answer to their request for unit modification will be assigned to initiate a follow-up call to the housing provider. The Test Coordinator will let you know when such a call should be made.

You will make three (3) attempts to make a follow-up call. You will ask to speak to the same housing provider with whom you spoke during your test visit. You will remind the housing provider who you are and what your request was (e.g., widen doorway, install a grab bar, lower light switches, etc.)

Following are some examples to illustrate how a test might unfold and how you should inquire about housing availability, inspection, unit modification, and parking accommodation. These examples should NOT be viewed as “scripts” for how you should conduct your visit, but should serve as a guide to conducting the test while adhering strictly to the DDS protocols.

### **EXAMPLE 1**

**Advertised Housing: 1-bedroom apartments from \$480.**

**Test Assignment: 1-bedroom needed by July 1<sup>st</sup>. Price limit is \$520.**

*Tester: Hi, I'm here about the 1-bedroom apartment that was advertised. Is it still available?*

*Housing Provider: No, I'm sorry, it's just been rented.*

*Tester: Oh, that's too bad. Would you have anything else available?*

*Housing Provider: Well, we do have a 2-bedroom, but that's going for \$520. We will have another 1-bedroom August 1st. Would you like to see that one?*

*Tester: I think I would be interested in the 2-bedroom. I really do need to find a place by July 1<sup>st</sup>. Would I be able to see that unit right now?*

*Housing Provider: Sure, it's vacant now. (They enter the unit.) See, we've just painted the whole place and put in new tiling in the bathroom and kitchen.*

*Tester: It looks nice. What kind of lease is there?*

*Housing Provider: It's a year lease for the first year and then month-to-month after that. The security deposit is one month's rent.*

*Tester: Sounds good. What would I need to do to apply if I were interested in this unit?*

*Housing Provider: You would need to fill out an application and there is a \$25 credit check fee for each person in the household.*

*Tester: That would be fine. Oh, you know, I would need a grab bar around the toilet area. Would I be able to put one in?*

*Housing Provider: Well, I don't know. I would have to talk to the owner.*

**Tester:** *Okay, maybe you could find out for me. Oh and also, would I be able to get a parking space? I would need it to be handicapped-accessible and close to the building entrance.*

**Housing Provider:** *All the units come with an assigned parking space.*

**Tester:** *Could the space be made accessible for my van and marked as handicapped?*

**Housing Provider:** *No, I'm sorry we couldn't do that.*

**Tester:** *Oh, okay, thanks...I'm sorry, what was your name again?*

**Housing Provider:** *Uh, Joe. Yeah, okay.*

**Tester:** *Thanks, Joe.*

## **EXAMPLE 2**

**Advertised Housing:** **1-bedroom apartments from \$480. (*Building does not have on-site parking.*)**

**Test Assignment:** **1-bedroom needed by July 1<sup>st</sup>. Price limit is \$520.**

**Tester:** *Hi, I'm here about the 1-bedroom apartment that was advertised. Is it still available?*

**Housing Provider:** *No, sorry, it's already been rented.*

**Tester:** *Well, would you have anything else available July 1<sup>st</sup>?*

**Housing Provider:** *That's the only 1-bedroom we had. I have a 2-bedroom available, but that is going for \$500.*

**Tester:** *Well, that's in my price range. Would I be able to take a look at it today?*

**Housing Provider:** *Uh, well, the tenants are still in there and I would need to give them 24-hour notice.*

**Tester:** *Oh, I see. Well, could you tell me about it then?*

**Housing Provider:** *Well, what do you want to know? It's a 2-bedroom on the 3<sup>rd</sup> floor, the rent is \$500, and the security deposit is the same.*

**Tester:** *And what kind of lease is required?*

**Housing Provider:** *It's a one-year lease, no exceptions.*

*Tester: That sounds fine. What would I need to do to if I wanted to apply?*

*Housing Provider: You would need to fill out an application and there is a \$25 credit check fee for each person in the household. Anything else?*

*Tester: Well, yes, actually. If there isn't already a grab bar around the toilet, do you think I could be put one in if I decided to rent the place?*

*Housing Provider: No, that wouldn't be possible. You know, we can't have tenants just putting in anything they wanted. That would just be crazy.*

*Tester: Okay, then. Thanks very much for your time, I'm sorry what did you say your name was again.*

*Housing Provider: Joe.*

*Tester: Thanks, a lot, Joe.*



**ANNEX D**  
**Test Report Forms**  
**(Pilot Phases 1 and 2)**

## Disability Discrimination Study TEST AUTHORIZATION FORM

### DDS TAF Data Entry Form - Rental Tests

SITECODE:	UI Internal Test Site DDS	Go
WEEK:	0	
CONTROL:	XX-02-0005-D	

TRANSTYPE	Transaction Type	Rental
SITECODE	SITE	UI Internal Test Site DDS
WEEK	Week	0
AD_NO	Ad Number	*****
CONTROL	CONTROL #	XX-02-0005-D
ISSUEDTE	Date of Issuance (mm/dd/yy)	01/01/01
ORGNAME	Organization	UI Internal Test Site DDS
SAMPNAME	Sampler Code	
TESTTYPE	Testing Type	2
SEQUENCE	Required Sequence	Disabled/Non Disabled
NARRATIV	Narrative Required	Yes
UNITYPE	Unit Type	-1
SRCETYPE	Source Type	
ADDATE	Date the Ad appeared (mm/dd/yy)	
SRCENAME	Source Name	-1
EDITION	Edition (if applicable)	
GEOG	Location of Ad (Page, Column, Etc)	

TH01		
ADTEXT	Text of Ad	

TH02		
EDITNAME	Editor Name	
RELEASE	Release this test?	Yes

Enter a [Advance Call](#)

**Disability Discrimination Study**  
**ADVANCE CALL FORM**  
*Complete one form for each call attempted*

**CONTROL #** \_\_\_ - \_\_\_ - \_\_\_\_\_ **- D Person making call:** \_\_\_\_\_

Phone Number(s): (\_\_\_\_) \_\_\_\_\_; (\_\_\_\_) \_\_\_\_\_

Day of Week: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_ Time: \_\_\_:\_\_\_  AM  PM

1. Were you able to obtain housing information during this call?

- Yes (*skip to Q2*)       No (*go to Q1a*)

1a. If No, why not?

- Left Message on Voicemail, Answering Machine, or Paper
- Left Message with Person who did not have information
- Told to Call Back Later
- Wrong Number
- No Answer
- Telephone Number No Longer in Service
- Other (*Specify*): \_\_\_\_\_

(*SKIP to Question 7*)

2. Housing Information (*enter one type of unit [i.e., bedroom size] per line*):

Address of Unit	# of Bdrms	# of Units	Price	Date Available* ___/___	Advertised Unit? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
a.					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
b.					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
c.					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
d.					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
e.					<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure

3. If this is a multi-unit building, does it have 4 or fewer units?  Yes  No
- 3a. If Yes, does the owner live in the building?  Yes  No
4. What are the office hours (include weekend and evening hours where available)?
- 
- 

### For In-Person Tests

5. Is it possible to drop in to speak with a housing provider about the available housing?  
 Yes (you may drop in)  No (you must have an appointment)
- 5a. Verify the address to be visited: \_\_\_\_\_
- 

6. With whom did you speak? \_\_\_\_\_

7. Is this the final advance call?  Yes  No
- 7a. If Yes, based on the results of the advance call, is the housing ineligible for any reason?  
 Yes  No

7b. If Yes, please specify the reason(s) for ineligibility:

- Housing provider could not be reached after repeated attempts
- Telephone number was no longer in service
- Telephone number was incorrect
- No housing available
- Only housing available has 3 or more bedrooms
- Small owner (4 units or fewer)
- Single-Family Home
- Mobile Home
- Seasonal/temporary/vacation/short-term
- Outside of target area
- Exceeds rent limit for target area
- Share situation
- Sublet

- Apartment locator service
- For-Fee Service
- Public/Section 8 housing/LIHTC development
- Housing for older persons
- Other (*specify*): \_\_\_\_\_

8. Comments: \_\_\_\_\_

\_\_\_\_\_

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## Disability Discrimination Study TEST ASSIGNMENT FORM - TTY

### DDS Test Assignment Form - Rental (Telephone)

header1	<b>Telephone (TTY) Rental Assignment</b>	
SITECODE	SITE	UI Internal Test Site DDS
CONTROL	0 CONTROL #	XX-01-0002-D
SEQUENCE	Tester sequence	2
DISID	DISABILITY ID	Disabled
TESTERID	0 TESTER ID NUMBER	(No Tester Assigned)
ATSTTYPE	0 TYPE OF TEST	rental
AAPPTYPE	0 TYPE OF APPROACH	-1
ADATEV	DATE OF CALL (mm/dd/yy)	
ATIMEV	TIME OF CALL (_ _:_ _)	
ATIMEVM	A.M. P.M. for TIME OF CALL	
header9	<b>TEST SITE</b>	
PPNAME	1 Name of Test site (if known)	*****
header11	<b>Site Address (if known)</b>	
PADDRS	2 street	*****
PCITY	2 city	*****
PSTATE	2 state	*****
PZIP	2 ZIP 00000	*****
Head171	<b>Telephone number(s) of test site:</b>	
PPHN1	3 First Number (000)000-0000	*****
PPHN2	3 Second Number: (000)000-0000	*****
header20	<b>SOURCE OF INFORMATION ON TEST SITE</b>	
SRCENAME	4 Advertisement: Name of source	-1
ADDATE	5 Advertisement: Date of Publication (mm/dd/yy)	
ADTEXT	6 Advertisement: text of ad	
header24	<b>TYPE OF HOUSING TO BE REQUESTED</b>	
PBEDS	7 Number of Bedrooms to be requested	1
PMINBED	7a Minimum number of bedrooms for household	1
PHMTYPR	8 Type of unit	-1
PHNEED	9 Date Housing is Needed (mm/dd/yy)	01/01/01
PHMPRI	10 Price of housing	*****
PHHCOMP	11 Household Composition	Single Adult
APRIR	12 Price Range [Tester may consider units for LESS than this range as well]	1100 to 1300
APREFER	<b>Area Preference (IMPORTANT: DO NOT CITE A NEIGHBORHOOD PREFERENCE)</b>	
AAREAP	13 If you are pressed by the agent, you may state that you are looking in	
header33	<b>Remember: You are open to any areas recommended by the housing provider</b>	
AMOVERR	14 Reason for Moving	

AHEAD55	Other places visited: Just started looking		
header36	ASSIGNED CHARACTERISTICS		
TFNAME	15	Tester Name:	
header38	Tester Address		
TFADD1	16	Tester Address	
TFADD2	16	Tester Address (city/state/zip)	
TVPHONE	17	Voice Mail Number Assigned to Tester (000)000-0000	
header42	Information on Persons in Household		
ARACE1	18	Tester's race	-1
TSEX	18	Tester's gender	-1
AAGE1	18	Tester's age	-1

TH01		Household Income	Gross Annual Income	
AINCMON1	19	Tester	4925	59100
AINCMONT	19	Total for Household	4925	59100

TH02			
header73	Employment Information		
AOCC1	20	Tester current occupation	
AEMP1	20	Name of tester's current employer	
AEAD11	20	First line of tester's employer's address	
AEAD12	20	Second line of tester's employer's address	
AELNG1	20	Length of employment at current job	-1
AHEAD21	Credit standing: Excellent, no late payments		
header13	CURRENT HOUSING SITUATION		
AHEAD31	Type of current housing: Rent		
ARENTNOW	21	Amount of Current Rent	1190
ALGNCUR	21	Years at Current Residence	-1
ALEASETP	21	Type of Rental Agreement at Current Residence	
AHEAD61	History of rent payment at current residence: Always on time.		
AHEAD62	Other characteristics: Non-smoking, No pets		
AOTHINFO	22	Other Test Information	
RELEASE		Test Released	Yes

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8. Name of person with whom you spoke: \_\_\_\_\_
9. When you asked about the availability for the type of rental housing that you were assigned  
(e.g., one bedroom), what were you told? [*check only ONE box*]
- The rental housing is available when I need it
  - The rental housing is NOT available when I need it
  - The housing provider did not know whether the rental housing was available
  - Something else (*specify*): \_\_\_\_\_
- 9a. How many units of this type were you told about? \_\_\_\_\_ Units
10. What were you told about any "other" rental housing ("other" rental housing has a different number of bedrooms than assigned, is within your price range, and is available when you need it)? [*check only ONE box*]
- Other rental housing is available when I need it
  - Other rental housing is NOT available when I need it
  - The housing provider did not know whether other rental housing was available
  - Something else (*specify*): \_\_\_\_\_
- 10a. How many other units were you told about? \_\_\_\_\_ Units
11. How many **TOTAL** rental housing units did the housing provider tell you were available?  
(Add units from 9a and 10a) \_\_\_\_\_ Units
12. Did the housing provider tell you that an application form of some kind must be completed before renting a unit?
- Yes
  - No
- 12a. Did the housing provider invite you to come in and pick up an application or offer to send you one?
- Yes
  - No
- 12b. Did the housing provider tell you that a credit check was part of the application process?
- Yes
  - No

12c. Did the housing provider tell you that a co-signer would be needed as part of the application process?

Yes

No

12d. Did the housing provider tell you that a criminal background check was part of the application process?

Yes

No

13. Did the housing provider request information about your income, source of income or occupation?

Yes

No

If yes, please record what the housing provider said: \_\_\_\_\_

\_\_\_\_\_

14. Did the housing provider make any remarks about disability or persons with disabilities?

Yes

No

14a. If Yes, please record what the housing provider said: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. Did the housing provider make any remarks about accessibility or units that were "handicapped" accessible?

Yes

No

15a. If Yes, please record what the housing provider said: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. Did the housing provider make any remarks about race/ethnicity, religion, or families with children?

Yes

No

16a. If Yes, please record what the housing provider said: \_\_\_\_\_

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---

17. Where you referred to the following during your call?

Assisted living

Nursing home

Group home

Low income housing

Other \_\_\_\_\_

None

18. What arrangements were made regarding future contact between you and the housing provider [*check all that apply*]?

The housing provider said that he/she would call you back

The housing provider invited you to call him/her back

The housing provider invited you to come in to inspect units/pick up application

Future arrangements were not made

Other (*specify*): \_\_\_\_\_

19. When was this report completed?

Date (month/day/year): \_\_\_\_/\_\_\_\_/\_\_\_\_ Day of week: \_\_\_\_\_

Time: \_\_ \_\_: \_\_ \_\_  AM  PM

---

Did you receive assistance in completing form?  Yes  No

If Yes, who assisted you? \_\_\_\_\_

(print)



11. **FEES** (e.g., pet fee, parking, cleaning, etc.)

<u>Name/Purpose</u>	<u>Amount</u>	<u>When Paid?</u>	<u>How Often?</u>
Application	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly
Security Deposit	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly
_____	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly
_____	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly
_____	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly
_____	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly

11a. Did the housing provider say that any of the above fees were negotiable?

- Yes       No

11b. If yes, what did the housing provider say? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Waiting List**

12. Were you told that there was a waiting list for this unit?  Yes  No

12a. If Yes, how many people were you told were on the list? \_\_\_\_\_

12b. If Yes, how long would it take to be offered a unit? \_\_\_\_\_

12c. If Yes, did the housing provider offer to place your name on the list?  Yes  No

**Financial Incentives / Specials**

13. Did the housing provider inform you that you might be able to take advantage of any financial

incentives or specials if you decided to apply for and/or rent this unit?

Yes  No

13a. If Yes, what were you told? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

---

Date form completed: \_\_\_ \_\_\_ / \_\_\_ \_\_\_ / \_\_\_ \_\_\_

Did you receive assistance in completing form?  Yes  No

Person completing form: \_\_\_\_\_

(print)



**Disability Discrimination Study**  
**TEST ASSIGNMENT FORM - Wheelchair User, In-Person**

DDS Test Assignment Form - Rental (In-Person)

header1	<b>In-Person Disability Rental Assignment</b>	
SITECODE	SITE	UI Internal Test Site DDS
CONTROL	0 CONTROL #	XX-02-0002-D
SEQUENCE	Tester sequence	1
DISID	DISABILITY ID	Non Disabled
TESTERID	0 TESTER ID NUMBER	(No Tester Assigned)
ATSTTYPE	0 TYPE OF TEST	rental
AAPPTYPE	0 TYPE OF APPROACH	Drop-In
ADATEV	DATE OF VISIT (mm/dd/yy)	
ATIMEV	TIME OF VISIT (_ _:_ _)	
ATIMEVM	A.M. P.M. for TIME OF VISIT	
header9	<b>TEST SITE</b>	
PPNAME	1 Name of Test site (if known)	*****
header11	<b>Site Address (if known)</b>	
PADDRS	2 street	*****
PCITY	2 city	*****
PSTATE	2 state	*****
PZIP	2 ZIP 00000	*****
Head171	<b>Telephone number(s) of test site:</b>	
PPHN1	3 First Number (000)000-0000	*****
PPHN2	3 Second Number: (000)000-0000	*****
header20	<b>SOURCE OF INFORMATION ON TEST SITE</b>	
SRCENAME	4 Advertisement: Name of source	Third source
ADDATE	5 Advertisement: Date of Publication (mm/dd/yy)	
ADTEXT	6 Advertisement: text of ad	Gatewood Apartments. Studio-\$645, 1BR-\$750. Covered parking available. Cable included! Rent special 1/2 off 1st month rent. Call 1-800-555-7676.
header24	<b>TYPE OF HOUSING TO BE REQUESTED</b>	
PBEDS	7 Number of Bedrooms to be requested	1
PMINBED	7a Minimum number of bedrooms for household	0
PHMTYPR	8 Type of unit	Unfurnished
PHNEED	9 Date Housing is Needed (mm/dd/yy)	04/15/04
PHMPRI	10 Price of housing	*****
PHHCOMP	11 Household Composition	Single Adult
APRIR	12 Maximum Rent Price	800
HEADMOD	<b>Unit Modification (For Disabled Testers Only)</b>	
UNITMOD2	If you are a disabled tester, ask the housing provider for <u>one</u> of the following:  -Modify entry	

		-Modify bathroom -Modify switches -Change doorknobs to levers
HEADACC2		If on-site parking is available, please ask for a parking accommodation. (For Disabled Testers Only)
APREFER		Area Preference (IMPORTANT: DO NOT CITE A NEIGHBORHOOD PREFERENCE)
AAREAP	14	If you are pressed by the agent, you may state that you are looking in
header33		Remember: You are always open to considering any areas recommended by the agent.
AMOVERR	15	Reason for Moving
AHEAD55		Other places visited: Just started looking
header36		ASSIGNED CHARACTERISTICS
TFNAME	16	Tester Name:
header38		Tester Address
TFADD1	17	Tester Address
TFADD2	17	Tester Address (city/state/zip)
TVPHONE	17	Voice Mail Number Assigned to Tester (000)000-0000
header42		Information on Persons in Household
ARACE1	18	Tester's race -1
TSEX	18	Tester's gender -1
AAGE1	18	Tester's age -1
DISCAUS	18	(For Disabled Testers Only) If asked, please state that your cause of disability is:

TH01		Household Income	Gross Monthly Income	Gross Annual Income
AINCMON1	18	Tester	3100	37200
AINCMONT	18	Total for Household	3100	37200

THXX		
header73		Employment Information
AOCC1	19	Tester current occupation
AEMP1	19	Name of tester's current employer
AEAD11	19	First line of tester's employer's address
AEAD12	19	Second line of tester's employer's address
AELNG1	19	Length of employment at current job
AHEAD21		Credit standing: Excellent, no late payments
header13		CURRENT HOUSING SITUATION
AHEAD31		Type of current housing: Rent
ARENTNOW	21	Amount of Current Rent 760
ALGNCUR	21	Years at Current Residence 3 years

ALEASETP	22	Type of Rental Agreement at Current Residence	Lease
AHEAD61	History of rent payment at current residence: Always on time		
AHEAD62	Other characteristics: Non-smoking, No pets		
RELEASE		Test Released	Yes

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8. If you had an appointment, how many minutes did you wait to meet with someone (i.e. between the time you were greeted by someone when you entered and the time you met with the housing provider?

\_\_\_\_\_ minutes

9. When you asked about the availability for the type of rental housing that you were assigned

(e.g., one bedroom), what were you told? [*check only ONE box*]

- The rental housing is available when I need it
- The rental housing is NOT available when I need it
- The housing provider did not know whether the rental housing was available
- Something else (*specify*): \_\_\_\_\_

9a. How many units of this type were you told about? \_\_\_\_\_ Units

10. What were you told about any "other" rental housing ("other" rental housing has a different number of bedrooms than assigned, is within your price range, and is available when you need it)? [*check only ONE box*]

- Other rental housing is available when I need it
- Other rental housing is NOT available when I need it
- The housing provider did not know whether other rental housing was available
- Something else (*specify*): \_\_\_\_\_

10a. How many other units were you told about? \_\_\_\_\_ Units

11. How many **TOTAL** rental housing units did the housing provider tell you were available?

(*Add units from 9a and 10a*) \_\_\_\_\_ Units

12. Did the housing provider tell you that an application form of some kind must be completed before renting a unit?

- Yes
- No

12a. Did the housing provider ask you to complete an application during your visit or give you an application to take with you?

- Yes
- No

12b. Did the housing provider tell you that a credit check was part of the application process?

Yes

No

12c. Did the housing provider tell you that you would need a co-signer as part of the application process?

Yes

No

12d. Did the housing provider tell you that a criminal background check was part of the application process?

Yes

No

13. Did the housing provider request information about your income, source of income or occupation?

Yes

No

If yes, please record what the housing provider said? \_\_\_\_\_

---

---

14. Were you referred to the following during your visit?

Assisted living

Nursing home

Group home

Low income housing

Other: \_\_\_\_\_

None

15. Did the housing provider make any remarks about disability or persons with disabilities?

Yes

No

15a. If Yes, please record what the housing provider said: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Did the housing provider make any remarks about accessibility or units that were "handicapped" accessible?

- Yes
- No

16a. If Yes, please record what the housing provider said: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. Did the housing provider make any remarks about race/ethnicity, religion, or families with children?

- Yes
- No

17a. If Yes, please record what the housing provider said: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. Did the housing provider provide you with any of the following items THAT YOU DID NOT ASK FOR?

- Business card
- Brochure
- Floor plan
- Listing of available units
- Lease/Rental Agreement
- Gift
- Other (*specify*): \_\_\_\_\_

19. What arrangements were made regarding future contact between you and the housing provider [*check all that apply*]?

The housing provider said that he/she would contact you

The housing provider invited you to call him/her

Future arrangements were not made

Other (*specify*): \_\_\_\_\_

20. When was this report completed?

Date (month/day/year): \_\_\_\_/\_\_\_\_/\_\_\_\_

Day of week: \_\_\_\_\_

Time: \_\_ \_\_: \_\_ \_\_

AM

PM

---

Did you receive assistance in completing form?  Yes

No

If Yes, who assisted you? \_\_\_\_\_

(print)

**UNIT MODIFICATION (for disabled testers only)**

Q1. Which modification did you ask to make? (Check one category)

- Modify entry (*check all that apply*)
  - Install ramp
  - Widen doorway
  - Remove threshold
  - Reverse swing of door
  
- Modify bathroom (*check all that apply*)
  - Widen doorway
  - Remove cabinets under sink
  - Install grab bars around toilet
  
- Modify switches (check one)
  - Lower thermostat controls
  - Lower light switches
  
- Change doorknobs to levers

Q2. When you asked the housing provider if you could make the unit modification, what were you told?

- The housing provider said that I could make the unit modification myself and pay for it (answer Q3).
  
- The housing provider would make the unit modification, but I would have to pay for it (answer Q3).
  
- The housing provider would make the unit modification at no cost to me (answer Q3).
  
- The housing provider agreed to make some of the modifications and not others. Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- The housing provider would not allow me to make the unit modification.
  
- The housing provider had to check with someone else to see if the unit modification could be made.
  
- The housing provider had to check to see how much the unit modification costs.
  
- The housing provider did not know if the unit modification could be made, and did not offer to find out.
  
- Something else: \_\_\_\_\_

Q3. Did the housing provider tell you that any conditions would be imposed if the unit modification were to be made (e.g., insurance, licensed contractor, waiver of liability, return to original state, extra deposit)?

- Yes
- No

Q3a. If Yes, please describe? \_\_\_\_\_

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**PARKING ACCOMMODATION (for disabled testers only)**

Q1. When you asked the housing provider if a “handicapped-accessible” parking space could be made available near an available unit / the building entrance, what were you told?

- A “handicapped-accessible” parking space could be made available near an available unit / the building entrance (answer Q2).
- A “handicapped-accessible” parking space could be made available, but not near an available unit / the building entrance (answer Q2).
- A “handicapped-accessible” parking space could NOT be made available.
- There is no “handicapped-accessible” parking.
- The housing provider had to check with someone else to see if a “handicapped-accessible” parking space could be made available.
- The housing provider had to check to see how much the “handicapped-accessible” parking space costs.
- The housing provider did not know if a “handicapped-accessible” parking space could be made available, and did not offer to find out.
- Something else: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Q2. Did the housing provider tell you that any conditions would be imposed if the parking accommodation were to be made (e.g., additional cost).

- Yes
- No

Q2a. If Yes, please describe? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



11. Length of lease? (*check all that apply*)

- Month-to-month                       One-year  
 Three-month                               Two-year  
 Six-month                                       Other (*specify*): \_\_\_\_\_

12. **FEES** (e.g., pet fee, parking, cleaning, etc.)

<b><u>Name/Purpose</u></b>	<b><u>Amount</u></b>	<b><u>When Paid?</u></b>	<b><u>How Often?</u></b>
Application	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly
Security Deposit	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly
_____	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly
_____	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly
_____	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly
_____	\$ _____	<input type="checkbox"/> At Application <input type="checkbox"/> After Move in	<input type="checkbox"/> One-time <input type="checkbox"/> Monthly

12a. Did the housing provider say that any of the above fees were negotiable?

- Yes             No

12b. If yes, what did the housing provider say? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Waiting List**

13. Were you told that there was a waiting list for this unit?  Yes  No

13a. If Yes, how many people were you told were on the list? \_\_\_\_\_

13b. If Yes, how long would it take to be offered a unit? \_\_\_\_\_

13c. If Yes, did the housing provider offer to place your name on the list?  Yes  No

**Financial Incentives / Specials**

14. Did the housing provider inform you that you might be able to take advantage of any financial

incentives or specials if you decided to apply for and/or rent this unit?

Yes  No

14a. If Yes, what were you told? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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Date form completed: \_\_\_ \_\_\_ / \_\_\_ \_\_\_ / \_\_\_ \_\_\_

Did you receive assistance in completing form?  Yes  No

Person completing form: \_\_\_\_\_

(print)

**Disability Discrimination Study**  
**TESTER-INITIATED FOLLOW-UP FORM**

**CONTROL #** \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_ - D      **TESTER ID #:** \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_

1. Phone number called: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

2. Date and time of contact:

Day of the week: \_\_\_\_\_

Date: \_\_\_ \_\_\_ / \_\_\_ \_\_\_ / \_\_\_ \_\_\_

Time: \_\_\_:\_\_\_     AM       PM

3. This is call attempt number (*circle*):    1      2      3

4. Was the follow-up call completed?

**Yes** (*go to Q5*)

**No** (*check one box below*)

Left message on voice mail, pager, etc.

Left message with person

Told to call back later

No answer

Telephone number no longer in service

Other (*specify*): \_\_\_\_\_

5. When you asked the housing provider if you could make the unit modification, what were you told?

The housing provider said that I could make the unit modification myself and pay for it.

The housing provider would make the unit modification, but I would have to pay for it.

The housing provider would make the unit modification at no cost to me.

The housing provider would not allow me to make the unit modification.

The housing provider still did not know if I could make the unit modification.

The housing provider said the unit was no longer available.

Something else: \_\_\_\_\_

6. Comments made by the housing provider: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## **ANNEX E**

### **Site Visitability Checklist**

# SITE VISITABILITY CHECKLIST

(Building Assessment)

CONTROL # \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - \_\_\_\_

TC ID #: \_\_\_\_ - \_\_\_\_

Name of development (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

(number)

(street)

\_\_\_\_\_

(city)

(zip code, if known)

Date of Assessment: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## Site is:

- Visitable**
- Not Visitable** (check all that apply)
  - All units have exterior steps
  - All units are multi-story town houses
  - All units are built over individual garages
  - Route from parking to building lacks accessible curb cuts
  - Route from parking to building entrance has steps or steep slopes
  - Entrance to building has steps
  - Entrance to building has steep slopes without handrails or edge protection
  - Exterior door to building is too narrow (less than 32 inches wide)
  - Other: \_\_\_\_\_

## Other comments on site:

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**Additional information about design and construction (*optional*):**

- Units appear to have been constructed since 1991
- Housing is neither multi-story townhouse nor constructed over individual garages
- Properties have four or more units
- Building appears to have elevator
- Building has ground floor units
- Approximate number of units \_\_\_\_\_
- Other \_\_\_\_\_  
\_\_\_\_\_



## **ANNEX F**

### **List of HUD HUB Offices**

**HUB Offices for the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development**

**CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT**

Marcella Brown, Director  
Office of Fair Housing and Equal Opportunity  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street  
Room 321  
Boston, Massachusetts 02222-1092  
(617) 994-8300  
1-800-827-5005  
TTY (617) 565-5453

**NEW JERSEY AND NEW YORK**

Stanley Seidenfeld, Director  
Office of Fair Housing and Equal Opportunity  
26 Federal Plaza  
Room 3532  
New York, New York 10278-0068  
Phone: (212) 542-7519  
1-800-496-4294  
TTY (212) 264-0927

**DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA**

Wanda Nieves, Director  
Office of Fair Housing and Equal Opportunity  
The Wanamaker Building  
100 Penn Square East, 12<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19207-3380  
(215) 656-0663  
1-888-799-2085  
TTY (215) 656-3450

**ALABAMA, THE CARIBBEAN, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, SOUTH CAROLINA, TENNESSEE**

James Sutton, Director  
Office of Fair Housing and Equal Opportunity  
Five Points Marietta Plaza  
40 Marietta Street  
16<sup>th</sup> Floor  
Atlanta, Georgia 30303-2806  
(404) 331-5140  
1-800-440-8091  
TTY (404) 730-2654

**ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN**

Barbara Knox, Director  
Office of Fair Housing and Equal Opportunity  
Ralph E. Metcalfe Federal Building  
77 West Jackson Blvd.  
Room 2101  
Chicago, Illinois 60604-3507  
(312) 353-7776  
1-800-765-9372  
TTY (312) 353-7143

**ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS**

Gary Sweeney, Director  
Office of Fair Housing and Equal Opportunity  
801 Cherry Street  
27<sup>th</sup> Floor  
RO Box 2905  
Ft. Worth, Texas 76113-2905  
(817) 978-5900  
1-800-669-9777  
TTY (817) 978-5595

**IOWA, KANSAS, MISSOURI, NEBRASKA**

Robbie Herndon, Director  
Office of Fair Housing and Equal Opportunity  
Gateway Tower II  
400 State Street  
Room 200  
Kansas City, Kansas 66101-2406  
(913) 551-6958  
1-800-743-5323  
TTY (913) 551-6972

**COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, WYOMING**

Evy Meininger, Director  
Office of Fair Housing and Equal Opportunity  
633 17<sup>th</sup> Street  
13<sup>th</sup> Floor  
Denver, Colorado 80202-3690  
(303) 672-5437, ext. 1364  
1-800-877-7353  
TTY (303) 672-5248

**ARIZONA, CALIFORNIA, HAWAII, NEVADA**

Chuck Hauptman, Director  
Office of Fair Housing and Equal Opportunity  
600 Harrison Street  
San Francisco, California 94107-1300  
(415) 489-6400  
1-800-347-3739  
TTY (415) 436-6594

**ALASKA, IDAHO, OREGON, WASHINGTON**

Judith Keeler, Director  
Office of Fair Housing and Equal Opportunity  
Seattle Federal Office Building  
909 First Avenue  
Room 205  
Seattle, Washington 98104-1000  
(206) 220-5170  
1-800-877-0246  
TTY (206) 220-5185

## **ANNEX G**

### **List of State and Local FHAP Agencies**

**FHAP AGENCY NAMES & ADDRESSES**  
**March 23, 2005**

Total Number of equivalent states: (Including the District of Columbia)	37
Total Number of equivalent jurisdictions:	65
Combined Total:	102

**ARIZONA**

State Agency: Ms. Virginia Herrera-Gonzales  
Chief Counsel  
Civil Rights and Conflict Resolution Section  
Arizona Attorney General's Office  
1275 West Washington Street  
Phoenix, AZ 85007-2926  
(602) 542-5263

Localities: Ms. Carole Coles Henry  
Acting Director  
City of Phoenix Equal Opportunity Department  
251 West Washington St., 7<sup>th</sup> Floor  
Phoenix, AZ 85003  
(602) 262-7716

**ARKANSAS**

State Agency: Mr. Dan Kroha  
Director  
Arkansas Fair Housing Commission  
101 E Capitol, Suite 114  
Little Rock, AR 72201  
(501) 682-3247

**CALIFORNIA**

State Agency: Ms. Jill Peterson  
Acting Director  
California Department of Fair Employment and Housing  
2014 "T" Street, Suite 210  
Sacramento, CA 95814  
(916) 227-2873

## **COLORADO**

State Agency: Mr. Wendell Pryor  
Director  
Colorado Civil Rights Division  
1560 Broadway, Suite 1050  
Denver, CO 80202  
(303) 894-2997

## **CONNECTICUT**

State Agency: Mr. R. Hamisi Ingram  
Executive Director  
Connecticut Commission on Human Rights and Opportunities  
21 Grand Street  
Hartford, CT 06106  
(860) 541-3400

## **DELAWARE**

State Agency: Ms. Juana Fuentes-Bowles  
Executive Director  
Delaware Division of Human Relations  
State Office Building  
820 North French Street, 4<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 577-5050

## **DISTRICT OF COLUMBIA**

Mr. Kenneth Saunders  
Director  
District of Columbia Office of Human Rights  
441 4<sup>th</sup> Street, NW, Suite 570 North  
Washington, DC 20001  
(202) 727-4559

## **FLORIDA**

State Agency: Mr. Derick Daniels  
Executive Director  
Florida Commission on Human Relations  
2009 Apalachee Parkway, Suite 100  
Tallahassee, FL 32301  
(850) 488-7082

Localities: Ms. Susie Copeland  
Director  
City of Bradenton  
Community Development Department  
914 7<sup>th</sup> Avenue, East  
Bradenton, FL 34208  
(941) 714-7507

Mr. Kirk Rascoe  
Director, Civil Rights Division  
Broward County Office of Equal Opportunity  
115 S. Andrews Avenue, Room A680  
Fort Lauderdale, Florida 33301

Ms. Gail Williams  
Director  
Hillsborough County Board of County Commissioners  
County Center Building, 2<sup>nd</sup> Floor  
601 East Kennedy  
Tampa, FL 33602  
(813) 272-5735

Ms. Kamala Corbett  
Program Manager  
Lee County Office of Equal Opportunity  
2115 2<sup>nd</sup> Street, 4<sup>th</sup> Floor  
Fort Myers, FL 33901  
(239) 335-2267

Ms. Charlene Taylor Hill  
Executive Director  
Jacksonville Human Rights Commission  
117 West Duval Street, Suite 350  
Jacksonville, FL 32202  
(904) 630-4911

Mr. Reginald McGill  
Director  
Orlando Human Relations Department  
400 South Orange Avenue  
Orlando, FL 32801  
(407) 246-3788

Mr. Harry Lamb, Jr.  
Director  
Palm Beach County Office of Human Rights  
215 North Olive Avenue, Suite 130  
West Palm Beach, FL 33401  
(561) 355-4883

Mr. Leon W. Russell  
Human Rights Equal Opportunity Officer  
Pinellas County Office of Human Rights  
315 Court Street  
Clearwater, FL 33756  
(727) 464-4880

Ms. Teresa Jones  
Director  
St. Petersburg Human Relations Department  
175 5<sup>th</sup> Street North  
St. Petersburg, FL 33701  
(727) 893-7345

Mr. Charles F. Hearn  
Administrator  
Tampa Office of Human Rights  
102 East 7<sup>th</sup> Avenue  
Tampa, FL 33602  
(813) 274-5835

## **GEORGIA**

State Agency: Mr. Gordon Joyner  
Executive Director and Administrator  
Georgia Commission on Equal Opportunity  
710 International Tower, Peachtree Center  
229 Peachtree Street, NE  
Atlanta, GA 30303-1605  
(404) 656-1736

## **HAWAII**

State Agency: Mr. William D. Hoshijo  
Executive Director  
Hawaii Civil Rights Commission  
830 Punchbowl Street, Room 411  
Honolulu, HI 96813  
(808) 586-8636

## **ILLINOIS**

State Agency: Mr. Rocco J. Claps  
Director  
Illinois Department of Human Rights  
Suite 100, 10<sup>th</sup> Floor  
100 West Randolph Street  
Chicago, IL 60601  
(312) 814-3340

Localities: Mr. Sandy Robinson  
Executive Director  
Springfield Community Relations Commission  
800 East Monroe Street, Room 108  
Springfield, IL 62701  
(217) 789-2271

## **INDIANA**

State Agency: Ms. Sandra Leek  
Executive Director  
Indiana Civil Rights Commission  
Indiana Government Center North  
100 North Senate Avenue, Room N-103  
Indianapolis, IN 46204-2255  
(317) 232-2600

Localities: Ms. Traci Porter  
Director  
Elkhart Human Relations Commission  
Municipal Building  
229 South Second Street  
Elkhart, IN 46516  
(574) 294-5471

Mr. Gregory Shade  
Director  
Fort Wayne Metropolitan Human Relations Commission  
One Main Street  
City-County Building, Room 680  
Fort Wayne, IN 46802  
(260) 427-1146

Ms. Doris Carbins  
Executive Director  
Gary Human Relations Commission  
504 Broadway, Suite 1016  
Gary, IN 46402  
(219) 883-4151

Ms. Lynn Bloom  
Executive Director  
Hammond Human Relations Commission  
5925 Calumet Avenue, Room 320  
Hammond, IN 46320  
(219) 853-6502

Mr. Lonnie L. Douglas  
Executive Director  
South Bend Human Rights Commission  
301 South St. Louis Blvd.  
South Bend, IN 46617  
(574) 235-9355

## **IOWA**

State Agency: Mr. Ralph Rosenberg  
Executive Director  
Iowa Civil Rights Commission  
Grimes State Office Building  
400 East 14<sup>th</sup> Street  
Des Moines, IA 50309  
(515) 281-4121

Localities: Ms. Louise W. Lorenz  
Director  
Cedar Rapids Civil Rights Commission  
City Hall, Second Floor  
Cedar Rapids, IA 52401-1256  
(319) 286-5036

Ms. Judith J. Morrell  
Director  
Davenport Civil Rights Commission  
226 West 4<sup>th</sup> Street  
Davenport, IA 52801  
(563) 326-7888

Mr. Floyd A. Jones  
Executive Director  
Des Moines Human Rights Commission  
602 East First Street  
Des Moines, IA 50309-1881  
(515) 283-4284

Ms. Kelly Larson  
Executive Director  
Dubuque Human Rights Commission  
City Hall Annex  
1300 Main Street  
Dubuque, IA 52001-4732  
(563) 589-4190

Mr. Lionel J. Foster  
Director  
Mason City Human Rights Commission  
10 First Street, N.W.  
Mason City, IA 50401  
(641) 421-3618

Ms. Karen Mackey  
Executive Director  
Sioux City Human Rights Commission  
425 Orpheum Electric Building  
520 Pierce Street  
Sioux City, IA 51101  
(712) 279-6985

Mr. Walter Reed, Jr.  
Executive Director  
Waterloo Commission on Human Rights  
620 Mulberry Street, Suite 101  
Waterloo, IA 50703  
(319) 291-4441

## **KANSAS**

Localities: Mr. Rehelio A. Samuel  
Executive Director  
Lawrence Human Relations Commission  
6 East 6<sup>th</sup> Street, Room 315  
Lawrence, KS 66044  
(785) 832-3310

Mr. Michael Bates  
Executive Director  
Community and Neighborhood Services Department  
City of Olathe  
200 West Santa Fe  
Olathe, KS 66061  
(913) 971-6649

Ms. Kaye J. Crawford  
Executive Director  
Salina Human Relations Department  
300 West Ash  
Salina, KS 67402-0736  
(785) 309-5745

Mr. Robert Buggs  
Interim Director  
City of Topeka Human Relations Commission  
215 S.E. 7<sup>th</sup> Street, Room 170  
Topeka, KS 66603  
(785) 368-3606

## **KENTUCKY**

State Agency: Mr. Morgan Ransdell  
Executive Director  
Kentucky Commission on Human Rights  
332 West Broadway, 7<sup>th</sup> Floor  
Louisville, KY 40202-0069  
(502) 595-4024

Localities: Mr. William D. Wharton  
Executive Director  
Lexington-Fayette Urban County Human Rights  
Commission  
162 East Main Street, Suite 226  
Lexington, KY 40507  
(859) 252-4931

Ms. Kellie Watson  
Executive Director  
Louisville Metro Human Relations  
Commission  
410 West Chestnut Street, Suite 300A  
Louisville, KY 40202  
(502) 574-3631

## **LOUISIANA**

State Agency: Mr. John B. Shepard, Jr.  
Director  
Louisiana Public Protection Division  
One American Place  
301 Main Street, 6<sup>th</sup> Floor  
Baton Rouge, LA 70801  
(225) 326-6400

## **MAINE**

State Agency: Ms. Patricia E. Ryan  
Executive Director  
Maine Human Rights Commission  
51 State House Station  
Augusta, ME 04333-0051  
(207) 624-6050

## **MARYLAND**

State Agency: Mr. Henry B. Ford  
Executive Director  
Maryland Commission on Human Relations  
William Donald-Schafer Towers  
6 St. Paul Street, Suite 900  
Baltimore, MD 21202  
(410) 767-8600

## **MASSACHUSETTS**

State Agency: Ms. Dorca Gomez  
Chairperson  
Massachusetts Commission Against Discrimination  
Room 601  
1 Ashburton Place, 6<sup>th</sup> Floor  
Boston, MA 02108  
(617) 727-3990

Localities: Ms. Victoria L. Williams  
Director  
Boston Fair Housing Commission  
City of Boston Office of Civil Rights  
One City Hall Plaza, Suite 966  
Boston, MA 02201  
(617) 635-4408

Mr. Quoc Tran  
Executive Director  
Cambridge Human Rights Commission  
51 Inman Street, 2<sup>nd</sup> Floor  
Cambridge, MA 02139  
(617) 349-4396

## **MICHIGAN**

State Agency: Ms. Linda Parker  
Director  
Michigan Department of Civil Rights  
Capital Town Building  
110 W. Michigan Avenue, Suite 800  
Lansing, MI 48913  
(517) 335-3165

## **MISSOURI**

State Agency: Ms. Donna Cavitte  
Executive Director  
Missouri Commission on Human Rights, Department of Labor and  
Industrial Relations, P.O. Box 1129  
3315 West Truman Boulevard, Suite 212  
Jefferson City, MO 65109  
(573) 522-1019

Localities: Mr. Mickey Dean  
Interim Director  
Kansas City (MO) Human Relations Department  
City Hall, 4<sup>th</sup> Floor  
414 East 12<sup>th</sup> Street  
Kansas City, MO 64106  
(816) 513-1836

## **NEBRASKA**

State Agency: Mr. Alfonso Whitaker  
Executive Director  
Nebraska Equal Opportunity Commission  
State Office Building, 5<sup>th</sup> Floor  
301 Centennial Mall, South  
Lincoln, NE 68509-4934  
(402) 471-2024

Localities: Mr. Larry Williams  
Executive Director  
Lincoln Commission on Human Rights  
440 South 8<sup>th</sup> Street, Suite 101  
Lincoln, NE 68508  
(402) 441-8691

Ms. Gail Thompson  
Director  
Omaha Human Relations Department  
Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 502  
Omaha, NE 68183-0502  
(402) 444-5055

## **NEW JERSEY**

State Agency Mr. J. Frank Vespa-Papaleo  
Director  
State of New Jersey Division on Civil Rights  
140 East Front Street  
P.O. Box 089  
Trenton, NJ 08625-0089  
(609) 984-3100

## **NEW YORK**

State Agency: Ms. Michelle Donaldson  
Commissioner  
New York State Division of Human Rights  
1 Fordham Plaza, 4<sup>th</sup> Floor  
Bronx, NY 10458  
(718) 741-8400

Localities: Mr. S. Ram Nagubandi  
Commissioner of Human Rights  
Rockland County Commission on Human Rights  
50 Sanatorium Road, Building P  
Pomona, NY 10970  
(845) 364-2199

## **NORTH CAROLINA**

State Agency: Ms. Sherri Brooks  
Acting Director  
North Carolina Human Relations Commission  
217 West Jones Street  
Raleigh, NC 27603  
(919) 733-7996

Localities: Mr. Willie Ratchford  
Director  
City of Charlotte/Mecklenburg County Community Relations  
Committee (Charlotte)  
600 East Trade Street  
Charlotte, NC 28202  
(704) 336-2195

Mr. Willie Ratchford  
Director  
City of Charlotte/Mecklenburg County Community Relations  
Committee (Mecklenburg County)  
600 East Trade Street  
Charlotte, NC 28202  
(704) 336-2195

Ms. Charlotte Caplan  
Director  
Community Development Director  
City of Asheville  
70 Court Plaza  
Asheville, NC 28802  
(828) 259-5721

Mr. Robert Smith  
Executive Director  
Asheville/Buncombe County Community Relations Council  
50 South French Broad Avenue, Room 214  
Asheville, NC 28801  
(828) 252-4713

Ms. Yvonne Pena  
Director  
Durham Human Relations Commission  
101 City Hall Plaza  
Durham, NC 27701  
(919) 560-4107

Mr. John E. Shaw  
Director  
Greensboro Human Relations Department  
300 West Washington Street  
Greensboro, NC 27402  
(336) 373-2038

Mr. Carl A. Byrd, Sr.  
Director  
New Hanover County Human Relations Commission  
402 Chestnut Street  
Wilmington, NC 28401  
(910) 341-7171

Ms. Milan Pham  
Director  
Orange County Department of Human Rights and Relations  
110 South Churton Street  
Hillsborough, NC 27278  
(919) 967-9251

Ms. Wanda Allen-Abraha  
Director  
Winston-Salem Human Relations Commission  
2301 North Patterson Avenue  
Winston-Salem, NC 27105  
(336) 727-2429

## **NORTH DAKOTA**

State Agency: Mr. Mark D. Bachmeier  
Commissioner of Labor  
North Dakota Department of Labor  
State Capitol - 13<sup>th</sup> Floor  
600 E Boulevard Avenue, Department 406  
Bismarck, ND 58505-0340  
(701) 328-2660

## **OHIO**

State Agency: Mr. G. Michael Payton  
Executive Director  
Ohio Civil Rights Commission  
1111 East Broad Street, Suite 301  
Columbus, OH 43205-1379  
(614) 466-2785

Localities: Mr. Jerald L. Steed  
Executive Director  
Dayton Human Relations Council  
130 West 2<sup>nd</sup> Street, Suite 730  
Dayton, OH 45402  
(937) 228-5854

Mr. James M. Dubelko  
Director of Law  
City of North Olmstead, Ohio Department of Law  
26777 Lorain Road, Suite 416  
North Olmstead, Ohio 44070  
(440) 716-4217

Mr. Tim Dobeck  
Law Director  
Parma Law Department  
City of Parma  
6611 Ridge Road  
Parma, OH 44129-5593  
(440) 885-8132

Mr. William M. Ondrey Gruber  
Director of Law  
Shaker Heights Fair Housing Review Board  
3400 Lee Road  
Shaker Heights, OH 44120  
(216) 491-1443

## **OKLAHOMA**

State Agency: Mr. Kenneth Kendricks  
Director  
Oklahoma Human Rights Commission  
2101 North Lincoln Blvd, Room 480  
Oklahoma City, OK 73105  
(405) 521-3441

## **PENNSYLVANIA**

State Agency: Mr. Homer Floyd  
Executive Director  
Pennsylvania Human Relations Commission  
Pennsylvania Place, Suite 300  
301 Chestnut Street  
Harrisburg, PA 17101-2702  
(717) 787-4410

Localities: Ms. Leslie L. Hyson  
Executive Director  
Lancaster County Human Relations Commission  
225 West King Street  
Lancaster, PA 17603  
(717) 299-7840

Mr. Charles F. Morrison  
Director  
Pittsburgh Human Relations Commission  
908 City - County Building  
Pittsburgh, PA 15219  
(412) 255-2600

Ms. Diana Rivera-O'Bryant  
Human Relations Administrator  
Reading Commission on Human Relations  
815 Washington Street  
Reading, PA 19601  
(610) 655-6141

Ms. Cathy Ash  
Executive Director  
York City Human Relations Commission  
368 W. Princess Street  
York, PA 17404  
(717) 846-2926

## **RHODE ISLAND**

State Agency: Mr. Michael Evora  
Executive Director  
Rhode Island Commission for Human Rights  
180 Westminster Street, 3<sup>rd</sup> Floor  
Providence, RI 02903-3768  
(401) 222-2661

## **SOUTH CAROLINA**

State Agency: Mr. Jesse Washington  
Commissioner  
South Carolina Human Affairs Commission  
2611 Forest Drive  
Columbia, SC 29204  
(803) 737-7826

## TENNESSEE

State Agency: Ms. Amber D. Gooding  
Executive Director  
Tennessee Human Rights Commission  
Cornerstone Square Building  
530 Church Street, Suite 400  
Nashville, TN 37243  
(615) 741-5825

Localities: Ms. Leslie Henderson  
Director  
City of Knoxville Department of Community  
Development  
400 Main Street, Suite 503  
City County Building  
Knoxville, TN 37902  
(865) 215-2120

## TEXAS

State Agency: Ms. Vickie Covington  
Interim Director  
Texas Workforce Commission  
6330 Highway 290 East, Suite 250  
Austin, TX 78723  
(512) 437-3450

Localities: Mr. Charles Gorham  
Director  
Austin Human Rights Commission  
206 East 9<sup>th</sup> Street, 14<sup>th</sup> Floor  
Austin, TX 78701  
(512) 974-3251

Mr. L. David Ramos  
Director  
City of Corpus Christi Department of Human Relations  
1201 Leopard Street  
Corpus Christi, TX 78401  
(361) 880-3196

Ms. Rosie L. Norris  
Fair Housing Administrator  
City of Dallas Fair Housing Office  
1500 Marilla Street, Room 1B North  
Dallas, TX 75201  
(214) 670-5677

Ms. Vanessa Ruiz Boling  
Director  
Fort Worth Human Relations Commission  
1000 Throckmorton Street  
Fort Worth, TX 76102  
(817) 392-7525

Mr. Jim Slaughter  
Managing Director  
Garland Office of Housing and Neighborhood Services  
210 Carver Street, Suite 202  
Garland, TX 75040  
(972) 205-3313

## **UTAH**

State Agency: Ms. Sherrie Hayashi  
Director  
Utah Anti-Discrimination Division  
160 East 300 South, 3<sup>rd</sup> Floor  
Salt Lake City, UT 84111  
(801) 530-6801

## **VERMONT**

State Agency: Mr. Robert Appel  
Executive Director  
Vermont Human Rights Commission  
135 State Street, Drawer 33  
Montpelier, VT 05633-6301  
(802) 828-2480

## **VIRGINIA**

State Agency: Mr. John Cancelleri  
Investigator Supervisor  
Virginia Department of Professional and Occupational Regulation,  
Fair Housing Administration/Fair Housing Office  
3600 West Broad Street  
Richmond, VA 23230-4917  
(804) 367-8530

Mr. Michael T. Cash  
Executive Director  
Fairfax County Human Rights Commission  
12000 Government Center Parkway, Suite 318  
Fairfax, VA 22035-0093  
(703) 324-2953

## **WASHINGTON**

State Agency: Mr. Marc Brenman  
Executive Director  
Washington State Human Rights Commission  
711 South Capitol Way, #402, P.O. Box 42490  
Olympia, WA 98504-2490  
(360) 753-6770

Localities: Ms. Bailey delongh  
Manager  
King County Office of Civil Rights  
400 Yesler Way, Room 260  
Seattle, WA 98104-2628  
(206) 296-7592

Ms. Germaine Covington  
Executive Director  
Seattle Office for Civil Rights  
Artic Building, 2<sup>nd</sup> Floor  
700 3<sup>rd</sup> Avenue, Suite 250  
Seattle, WA 98104-1849  
(206) 684-4500

Mr. John Briehl  
Executive Director  
Tacoma Human Rights and Human Services Department  
747 Market Street, Suite 836  
Tacoma, WA 98402  
(253) 591-5151

## **WEST VIRGINIA**

State Agency: Ms. Ivin B. Lee  
Executive Director  
West Virginia Human Rights Commission  
1321 Plaza East, Room 108A  
Charleston, WV 25301  
(304) 558-2616

Localities: Mr. Brian A. King  
Director  
Charleston Human Rights Commission  
915 Quarrier Street, Suite 6  
Charleston, WV 25301  
(304) 348-6880

Ms. Sally M. Lind  
Executive Director  
Huntington Human Relations Commission  
821 Fourth Avenue, Suite 104  
Huntington, WV 25701  
(304) 696-5573

## **ANNEX H**

### **Fair Housing Testing Resources for Enforcement**

## ANNEX H: Fair Housing Testing Resources for Enforcement

### Reports and Guides

“2004 Rental Housing Accessibility Audit,” Gulf Coast Fair Housing Center,  
<http://www.makeitfair.com/AccessibilityAudit2004-2.pdf>

An Evaluation of the FHIP Private Enforcement Initiative Testing Demonstration, April 1996,  
<http://www.huduser.org/publications/fairhsg/fhip.html>

“Guide to Enforcement Tools for Fair Lending Testing,” The Homeownership Testing Project,  
Final Report, August 2002, <http://www.huduser.org/publications/pdf/aotbe.pdf>

“National Origin Discrimination in Rental Housing in Vermont,” Champlain Valley Office of  
Economic Opportunity (CVOEO),  
[http://www.cvoeo.org/2004RentalAuditReportFHP\\_files/2004RentalAuditReportFHP.pdf](http://www.cvoeo.org/2004RentalAuditReportFHP_files/2004RentalAuditReportFHP.pdf)

“Manual for Testers,” HOPE Fair Housing Center,  
<http://www.state.il.us/dhr/Housenet/private/hope/center.html>

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Rhodes Rental Market,” May 2002, Housing Opportunities Made Equal, Richmond, Virginia,  
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Law School, [http://fairhousing.jmls.edu/Center\\_materials.htm](http://fairhousing.jmls.edu/Center_materials.htm)

Testing & Investigating for Fair Housing Violations, Conference Manual, April 12 and 13, 2002,  
John Marshall Law School, [http://fairhousing.jmls.edu/Center\\_materials.htm](http://fairhousing.jmls.edu/Center_materials.htm)

“The BNI Experience in Enforcing Provisions of the Fair Housing Amendments Act Regarding People with Disabilities: The Lessons Learned,” Baltimore Neighborhoods, Inc., <http://www.bni-maryland.org/>

Treatment of Testing Evidence in Fair Housing Complaint Investigations, Carolyn Peoples, Assistant Secretary for Fair Housing and Equal Opportunity, <http://www.hud.gov/offices/fheo/library/testing.pdf>

## **ORGANIZATIONAL RESOURCES**

Access Living, Chicago, Illinois, <http://www.accessliving.org/>

Fair Housing of Marin, <http://www.fairhousingmarin.com/>

HOPE Fair Housing Center, Wheaton, Illinois, <http://www.state.il.us/dhr/Housenet/private/hope/center.html>

Housing Opportunities Made Equal, Richmond, Virginia. [www.phonehome.org](http://www.phonehome.org)

Indiana Civil Rights Commission, Indianapolis, Indiana, <http://www.iidc.indiana.edu/cclc/Booklet%20Four%20Fair%20Housing%20text.doc>

John Marshall Law School Fair Housing Legal Support Center, <http://fairhousing.jmls.edu/Resources.html>

National Community Reinvestment Coalition, Voluntary Compliance Testing, <http://www.ncrc.org/bestpractices/#component4>

National Fair Housing Alliance, Fair Housing School, <http://www.nationalfairhousing.org/>

Project Sentinel, Palo Alto, California, <http://www.housing.org/index.htm>

Protection and Advocacy, Inc. Albuquerque, New Mexico, <http://www.nmpanda.org/index2.html>

Sara Pratt, Fair Housing Consultant,  
<http://www.fairhousing.com/index.cfm?method=page.display&pageID=3269>

Southeast Center for Independent Living, Inc., Fall River, Massachusetts,  
<http://www.secil.org/docs/hudprj.html>

Toledo Fair Housing Center,  
<http://www.toledofhc.org/services.htm#Training%20&%20Consulting>

United States Department of Justice Testing Program,  
[http://www.usdoj.gov/crt/housing/housing\\_testing.htm](http://www.usdoj.gov/crt/housing/housing_testing.htm)

## **HUD RESOURCES**

People with Disabilities, <http://www.hud.gov/offices/ftheo/disabilities/index.cfm>

On-line complaint form, <http://www.hud.gov/complaints/housediscrim.cfm>

Fair Housing Initiatives Program Overview, <http://www.hud.gov/progdesc/fhip.cfm>

2004 FHIP grantees, <http://www.hud.gov/news/fhipblurbs.cfm>

## **PRIVATE FAIR HOUSING GROUP LISTINGS**

National Fair Housing Alliance member organizations,  
<http://www.nationalfairhousing.org/html/memberOrgs/operating.htm>

National Fair Housing Advocate agency finder,  
<http://www.fairhousing.com/index.cfm?method=agency.search>