



FUTURE DIRECTIONS FOR RESEARCH ON DISCRIMINATION AGAINST FAMILIES WITH CHILDREN IN RENTAL HOUSING MARKETS



HUD published two reports based on the 2014 pilot study on housing discrimination against families with children in rental housing markets: a report on the findings of the pilot study and this essay on alternative approaches to studying and monitoring housing discrimination in the future. The reports are available from HUDUSER.gov.

FUTURE DIRECTIONS FOR RESEARCH ON DISCRIMINATION AGAINST FAMILIES WITH CHILDREN IN RENTAL HOUSING MARKETS

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Disclaimer

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Preface

Equal access to housing is a critical element of access to opportunity in America. To help monitor housing discrimination and enforce fair housing laws, the U.S. Department of Housing and Urban Development (HUD) has sponsored several studies measuring housing discrimination based on race or ethnicity using paired-testing methods. In these studies, two individuals—one White and one African-American (or Hispanic or Asian)—are sent to pose as equally qualified homeseekers. Testers keep track of treatment indicators, such as whether they are told a unit is available and whether they can see the unit. Systematic differences across many tests provide direct evidence of discrimination.

In 2013, HUD sponsored the first large-scale paired-testing study of discrimination against families with children in rental housing markets. Since 1988, the Fair Housing Act has prohibited discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, national origin, disability, or presence of children (including pregnancy), but, until now, no large, paired-testing studies of familial status based housing discrimination have been conducted. Reported in *Discrimination Against Families With Children in Rental Housing Markets: Findings of the Pilot Study*, the results show that families

with children are equally likely to be shown units, but families with children are shown fewer units than families without children. These results are similar to the most recent national study on racial and ethnic discrimination in housing, reported in *Housing Discrimination Against Racial and Ethnic Minorities 2012*, which also shows little or no evidence of old-fashioned “door slamming.”

From these recent studies have surfaced questions about rental housing markets that cannot be answered by paired-testing methods. In this essay, *Future Directions for Research on Discrimination Against Families With Children in Rental Housing Markets*, the authors articulate several questions about how families fare in rental housing markets that cannot be answered using conventional paired-testing methods, and they propose alternative research approaches. The questions are specified for families but also apply to other protected classes. For instance, “Do marginally qualified renter families experience more frequent discrimination than those who are well qualified?” Although rooted in the pilot study on familial status discrimination, the puzzles and possible solutions discussed in this thoughtful essay are relevant to the future study of all kinds of housing discrimination.

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Introduction

The 1968 federal Fair Housing Act was enacted to combat discrimination against homeseekers by private real estate agents, rental property owners, and others. The legislation was amended by the Fair Housing Amendments Act of 1988 to extend protections to families with children and persons with disabilities. The U.S. Department of Housing and Urban Development (HUD) is responsible for enforcing the Fair Housing Act and monitoring discrimination against protected classes. Since 1977, HUD has monitored the national incidence of racial and ethnic discrimination in rental and sales housing markets using rigorous paired-testing studies¹ conducted (roughly) decennially. Until now, however, no rigorous research has measured the incidence of discrimination against families with children.²

In 2013, HUD commissioned the Urban Institute to adapt paired-testing methods to measure discrimination against families with children seeking rental housing. The Urban Institute designed a pilot paired-testing study and conducted 619 in-person tests across three metropolitan areas.³ The central objectives of this pilot study were to assess the feasibility of paired-testing research for measuring discrimination based on family status; explore variations in discrimination by family characteristics such as race, marital status, and family size; and investigate how best to measure the incidence and forms of discrimination against families with children nationwide.

The pilot study found no evidence of outright exclusion of families with children from available rental housing. When well-qualified homeseekers with children contacted rental housing providers to inquire about recently advertised homes and apartments, those with children were as likely as comparably qualified homeseekers without children to get an appointment and learn about at least one available housing unit. The pilot study did find that some rental agents show families with children slightly fewer units than comparably qualified childless

renters and steer them toward larger units with higher rents. This treatment may constrain families' choices and increase their housing costs. These findings are similar to the latest paired-testing estimates of discrimination against minority homeseekers, which show little or no evidence of the "door slamming" discrimination of the past but find that African-American, Hispanic, and Asian homeseekers learn about fewer housing units than comparably qualified White homeseekers.⁴

Other family characteristics, including race/ethnicity, number of children, age and sex of children, marital status, and housing unit size were factored into the research design to examine potential variations in discriminatory behavior. The pilot study revealed variation in discriminatory behavior by landlords for only two of these factors. First, as compared with one-child families, two-child families were shown units with slightly higher rents and were shown slightly fewer units. Second, when comparing the experience of renters with and without children, the pilot study indicated greater differences for paired tests involving one-bedroom tests than those involving two- or three-bedroom tests for four outcomes: (1) ability to obtain any information over the phone about an advertised unit, (2) being told that any unit is available, (3) being told that the requested-size unit is available, and (4) number of available units of the requested size.⁵ The pilot study found no evidence, however, that a family's race or ethnicity, marital status, or the age or gender of the children influence the likelihood of experiencing familial status discrimination.⁶

The results of the pilot study—and those of the most recent national paired-testing study of discrimination against minority homeseekers—suggest that protected classes of homeseekers are no longer blatantly denied access to available housing. That finding does not mean, however, that housing discrimination has been entirely eliminated. Complaints of housing

¹ In a paired test, two people with similar profiles (for example, age, sex, or marital status) pose as equally qualified homeseekers, except that one has children and the other does not. Both inquire about available homes. Testers independently record the treatment they receive, including information about all units recommended and shown. The results across many paired tests are then compared to assess how the treatment experienced by testers with children differs from that of testers without children, thus measuring the incidence and forms of discrimination.

² HUD enforcement activities to protect families with children against discrimination have been ongoing since passage of the 1988 amendment.

³ For complete details on the pilot study methodology, see Aron et al. (2016).

⁴ See Turner et al. (2013).

⁵ Note that discriminatory treatment against families with children can be illegal, even if the differences are minimal.

⁶ Note that reanalysis of the large sample of paired tests from the 2012 Housing Discrimination Study found no evidence that discrimination based on race or ethnicity was greater for families with children than for childless homeseekers.

discrimination—including discrimination against families with children—continue to be filed with and investigated by HUD,⁷ and other research indicates that families with children face serious challenges finding affordable rental housing in safe and opportunity-rich neighborhoods.⁸ Many fair housing advocates and practitioners suggest that discrimination today may take different forms or may occur at different stages in the homeseeking process. If so, effectively measuring the incidence of discrimination in 21st century housing markets may require alternative research strategies, possibly including, but not limited to, paired testing.

To be more specific, the pilot study uncovered six unanswered questions about the possible persistence of discrimination against families with children.

1. Do marginally qualified renter families with children experience more frequent discrimination than those who are well qualified?
2. Do the characteristics of *mover* families with children make them more likely to experience discrimination than the *average* renter family with children?
3. How does the treatment of families with children compare with that of their most likely competitors for rental housing?

4. Do local occupancy standards limit rental housing options for families with children, and are rental housing providers acting on misinformation about occupancy standards?
5. To what extent—and under what circumstances—do renters with children experience unfavorable treatment at later stages in the renting process?
6. What attitudes and perceptions on the part of rental housing providers may cause or contribute to unfavorable treatment of families with children?

Replicating the pilot study design in a large (and costly) national paired-testing study of discrimination against families with children would not effectively answer these questions and probably would not provide new or useful information to guide fair housing policy and enforcement. Therefore, this essay suggests alternative research strategies, including possible adaptations to paired-testing study design; an analysis of local occupancy standards and how they are applied by housing providers; exploratory analyses of discrimination at later stages of renting; interviews of housing providers to understand their knowledge, attitudes, and practices; and a large-scale survey of renters. The table that follows summarizes the potential of these approaches to answer the outstanding questions about different forms of discrimination against families with children in today’s rental housing market.

	Modified Paired-Testing Design	Analysis of Occupancy Standards	Analysis of Discrimination Complaints	Housing Provider Focus Groups	Large-Scale Survey of Renters
Do marginally qualified renter families with children experience more frequent discrimination than those who are well qualified?	X				X*
Do characteristics of <i>mover</i> families with children make them more likely to experience discrimination than the <i>average</i> renter family with children?	X				X*
How does the treatment of families with children compare with that of their most likely competitors for rental housing?	X				X
Do local occupancy standards limit rental housing options for families with children, and are rental housing providers acting on misinformation about occupancy standards?		X		X	
To what extent—and under what circumstances—do renters with children experience unfavorable treatment at later stages in the renting process?			X		X
What attitudes and perceptions on the part of rental housing providers may cause or contribute to unfavorable treatment of families with children?				X	

* Strictly speaking, surveys cannot reliably measure the incidence of discrimination, but rather they measure differences in the incidence of negative treatment reported by various groups of households.

⁷ In 2014, 784 family status rental housing discrimination claims were filed for HUD processing, representing roughly 1 in 7 of all rental discrimination cases for that year. Source: HUD Title Eight Automated Paperless Office Tracking System (TEAPOTS) data system.

⁸ See Aron et al. (2016) for a review of this research.

Changes in Paired-Testing Study Design

The pilot paired-testing study was carefully designed to produce credible estimates of the incidence of discrimination against renters with children. Because the pilot study testing protocols assigned characteristics to testers that made them financially “well qualified” for the house or apartment they were seeking to rent, the results may understate the incidence of discrimination that the average family faces in today’s rental markets. To be more specific, testers were assigned incomes high enough to ensure that their rent would be affordable (using the conventional standard that rent should not be greater than 30 percent of one’s income), excellent credit, and stable rental and employment histories. Analysis of American Housing Survey (AHS) data, however, reveals that more than 60 percent of renter families have unaffordable housing cost burdens (meaning they exceed 30 percent of income) and 20 percent have extreme cost burdens (with costs that exceed 50 percent of income).

It is possible that discrimination against families with children is more prevalent (or takes different forms) when they are less than fully qualified financially. Reanalysis of the pilot study data indicate that, in most tests, housing providers did not inquire about the homeseekers’ income and that the incidence of discrimination was not greater among tests in which the provider did inquire. Nonetheless, a paired-testing study that assigned financial characteristics to make testers marginally qualified and, therefore, more comparable with an average renter household might yield different estimates of discrimination against families with children in the rental market. In addition, these estimates would better reflect the treatment families actually experience.

One possible approach would be to assign incomes to tester pairs that reflect the distribution of rental housing cost burdens that families with children actually face. This distribution could be obtained from the most recent American Community Survey (ACS, 2010) or from AHS (2011). Another way to create more realistic tester profiles would be to assign more marginal or typical characteristics related to credit and employment in addition to income. Using ACS or other national data to inform the proportions, a share of testers could mention blemished credit and irregular employment during their inquiries about unit availability. Exploring the variation in outcomes by renter financial status could provide a better understanding of how different financial attributes affect the incidence of discrimination.

Another issue to consider when assigning testers’ financial characteristics is housing stability. Families seeking rental housing vary regarding the length of time they have lived at the same address before moving and their frequency of moves. Frequent movers interact with housing providers at a higher rate than their more stable renter counterparts. A paired-testing study design that reflects the characteristics of overall renter household distributions at a point in time, therefore, will in effect over-represent the characteristics of stable renters relative to their presence among active homeseekers. Thus, the characteristics of renter families who are frequent movers (or, as a proxy, recent movers) could be used as the basis for assigning income and other attributes to testers to produce estimates of discrimination against a typical mover (rather than against a well-qualified rental homeseeker).⁹

Modifying paired-testing protocols to make testers less than fully qualified poses two significant challenges. First, testers would have to be trained to consistently and credibly disclose their financial status during their interaction with the housing provider. Second, because both testers in each pair would be only marginally qualified as renters, they might both immediately be denied housing in a substantial share of tests. This approach would reduce the number of tests in which differences in treatment between families with children and homeseekers without children could be observed, making it more difficult to produce statistically reliable estimates of discrimination. Before attempting to implement this strategy in a large-scale testing study, we recommend testing the approach rigorously with an exploratory or pilot study to ensure that it is feasible and that it yields new information about patterns of discriminatory treatment.

A more radical departure from the pilot study design would involve the characteristics of the comparison (or control) testers. The standard approach calls for two testers assigned identical characteristics, in which one tester has a child (or children) and the other has no children. Although methodologically optimal for detecting discriminatory treatment of comparably qualified homeseekers, it may not reflect the types of childless households with whom families actually compete in the rental market. To illustrate, suppose that the typical renter inquiring about a one-bedroom unit is a childless adult who can easily afford the advertised rent. Recall that significantly more than one-half of

⁹ A renter survey, discussed further in a following section, could potentially provide substantial new information about the characteristics and experiences of different groups of family renters, including frequent and recent movers.

renter families with children face unaffordable rent burdens. When such a family inquires about a unit, its competition might be a childless household in a much more favorable financial situation. Modifying the design of a paired-testing study to compare the treatment of renter families with the

treatment of the homeseekers with whom they typically compete might shed some light on the experience of families with children in the rental market, but it would not provide information about the role of discriminatory treatment by housing providers.

Analysis of Local Residential Occupancy Standards

The pilot study raised the possibility that local housing occupancy standards—and particularly how they are interpreted or acted on by rental housing providers—may limit housing options for families with children. To be more specific, the pilot study results reveal evidence of steering, whereby housing providers showed families with children larger units (with correspondingly higher rents) than their childless counterparts. This form of differential treatment was most prevalent when testers inquired about one-bedroom units, suggesting that housing providers might be concerned about local occupancy standards. Residential occupancy standards, which are enacted and enforced locally, are often characterized as prohibiting more than two people per bedroom, although in fact they generally are more complex and nuanced. Landlords may be wary of renting to households that would exceed two people per bedroom, even in circumstances that would be legal under local ordinances.¹⁰ This observation raises the question of whether residential occupancy standards—or providers' understanding of them—may play a role in discrimination against families with children.

To find out how occupancy standards affect renter families, information could be compiled on the specific provisions of ordinances in a sample of jurisdictions, combined with the terms of fair housing complaints filed by families with children from the sampled jurisdictions and data on the perceptions of local housing providers. To assess housing providers' understanding and interpretation of local occupancy standards, we would recommend a qualitative approach, including in-depth interviews with leaders of local apartment owners associations, content analysis of informational and training materials provided by local associations, and focus groups with different types of rental housing owners and managers, all aimed at understanding how housing providers understand and apply local occupancy standards. Such a study could reveal whether occupancy standards do indeed explain the pilot study results and could inform landlord and tenant education initiatives and also the development and dissemination of model occupancy standards.

¹⁰ AHS data reveal that families with one or more children rent about 10 percent of studio and one-bedroom units.

Discrimination at Later Stages of Renting

Paired testing focuses on the initial interaction between a home-seeker and a housing provider and therefore cannot observe discrimination if it happens at later stages. For example, a housing provider who provides equal information to families with children and families without children when they initially inquire about advertised units might subsequently deny the applications to rent or impose unfavorable requirements in the lease agreement to families with children. In another example, after a family with children secures a rental unit, a landlord might impose discriminatory restrictions on access to common areas and facilities. Analysis of fair housing complaints filed with HUD from 2000 to 2014 indicates that, on average, 26 percent involve claims of discriminatory advertisements; 46 percent involve claims of refusal to rent; and 55 percent involve discriminatory terms, conditions, and privileges.¹¹ Analysis of a sample of individual cases for 2013 showed that nearly all complaints on discriminatory terms, conditions, and privileges were for problems that occurred postoccupancy. Paired testing was not designed to measure these forms of housing discrimination, but they are as illegal as discrimination at earlier stages, and other research methods could observe or measure the incidence of such practices.

One approach for learning more about these later stages of renting would be to focus on families with children who believe they have experienced housing discrimination. A possible sampling frame is the population of families who have filed claims of family status discrimination with HUD. The Title Eight Automated Paperless Office Tracking System (TEAPOTS) is a data management system used in the investigation and tracking of HUD complaints and compliance reviews. Initial, quantitative analysis would focus on the specific forms of discrimination alleged and the characteristics of the homeseeker, housing provider, property, and housing market. Then, for a small, carefully selected sample of recent complainants, indepth, semistructured interviews would be used to compile the stories and experiences of renter families who seem to have experienced particularly adverse treatment at the lease-negotiation stage or during occupancy.

Recognize that this approach would not yield estimates of the incidence of discrimination, because most people who experience discrimination either do not realize it or do not file formal complaints. Instead, a study focused on the characteristics and experiences of complainants would provide insight about the forms that discrimination against families may take and contribute to the design of both housing provider interviews and a large-scale survey of renters, discussed further in the next two sections.

¹¹ The total adds up to more than 100 percent because some complaints included multiple claims. In addition, the sample here is limited to cases after 2000, when HUD began counting sales and rental cases separately in the TEAPOTS database.

Interviews of Housing Providers

Our understanding of potential discrimination against family renters could be advanced by gathering information directly from housing providers to explore the knowledge, attitudes, and behaviors that may drive or shape discrimination. In-depth interviews with rental housing providers could shed light on some of the causes and circumstances of discrimination against families with children and better inform fair housing education and enforcement strategies.

A possible place to start would be with known violators of the Fair Housing Amendments Act in cases of family status rental housing discrimination. In-depth interviews with housing providers that were found to have discriminated could focus explicitly on their reasons. For example, did the discrimination result from a lack of knowledge about fair housing protections, from concerns about disruptive behavior by children, or from a view that renting to families with children reduces a property's marketability or is more burdensome for management? Insights on these questions could be used to tailor or target fair housing education and enforcement efforts. Barriers to this line of research include respondent recalcitrance and social desirability bias. Research studies of many other difficult populations and

topics have been successfully conducted for decades, however, so qualitative interviews targeted to discriminatory rental housing providers could be feasible and worth exploring.

An alternative approach would be to conduct qualitative interviews with housing providers regardless of past violation status, including representatives of corporate owners and management companies. Any reluctance to participate could be mitigated using partnerships with associations of property owners and managers. For instance, focus groups and in-depth interviews could be conducted at conferences or surrounding educational seminars/courses for rental housing professionals. Discussion topics need not be restricted to fair housing issues but could cover broader questions about what qualities make for a good tenant, the types of questions one can and cannot ask during the inquiry, issues of occupancy standards, other aspects surrounding homeseeker screening, and what types of training materials would be most helpful. Qualitative analysis could reveal gaps of knowledge about family status protections, misinterpretations of current laws, and other practices that may result in steering, unequal treatment, or denial of housing, all of which could help inform initiatives to better educate rental housing providers about fair housing protections.

Large-Scale Survey of Renters

A large-scale survey of renter households—including, but not limited to, families with children—could provide a wealth of new evidence about the prevalence and forms of negative (and potentially discriminatory) treatment during housing search, lease negotiation, and occupancy. Explicit questions (and response categories) regarding relevant forms of treatment would have to be carefully developed, drawing on the qualitative evidence from interviews with fair housing complainants discussed previously. Relatively large sample sizes would be needed to support a rich, quantitative analysis that could reliably measure the incidence of specific forms of perceived treatment for multiple subgroups of renter households.

A survey would not have the same power as paired testing to directly observe differential treatment of equally qualified homeseekers, but it could provide powerful evidence about the frequency and forms of negative treatment at all stages of search, lease negotiation, and occupancy. With a sufficiently large sample size, a survey of renters could reveal significant differences across groups (including race/ethnicity, household composition, income, and other financial characteristics). Multivariate analysis could be applied to control for relevant household qualifications to yield reasonable estimates of the incidence of negative treatment of protected classes, other things being equal.

Conducting a survey of renters faces obstacles. Perhaps the biggest obstacle is response bias (errors in the answers that are given by respondents), especially if the survey asked about negative experiences that may have occurred in the past. Restricting the survey questions to respondents' current rental occupancy would provide the most accurate capture of specific experiences. For example, recall bias could be minimized if respondents are asked only about experiences within the past year (or even the past 6 months). This method would require that the total sample be large enough to include a sufficient number of households that have moved within that time

period to provide information about their housing search and lease negotiation processes (and to produce reliable subgroup results).

Rigorous and statistically valid national surveys can be prohibitively expensive, especially if small population subgroups (such as recent movers) are to be adequately represented. One way to reduce costs would be to add a renter module to an ongoing national survey. Adding additional modules to ongoing surveys is a relatively inexpensive approach to produce high-quality survey data. The downside is that the host survey sponsor typically restricts the number of questions that can be added to avoid respondent burden issues, because increased burden reduces data quality. Therefore, this approach is attractive only when the host survey is already capturing a reasonable portion of the basic demographic and financial information needed.

The Current Population Survey (CPS), sponsored by the Bureau of Labor Statistics and conducted by the Census Bureau, may be an appropriate candidate for a rental survey module. CPS is a national survey of 60,000 households conducted monthly. The March iteration typically features the Annual Social and Economic supplement,¹² but many other supplements are also being accommodated.¹³ Under this approach, HUD could commission annual consecutive add-on modules (for a specific month) to the CPS for 2 or more years. Then, consecutive annual HUD-sponsored modules could be collapsed across years to increase statistical power and facilitate the generation of subgroup estimates. As an alternative approach, monthly supplements potentially could be commissioned during the course of a year. Either of these approaches (both of which would pool data across periods) could produce sufficient sample sizes to measure the incidence and forms of negative treatment for multiple protected classes. To monitor trends over time, the same approach (pooling data across months or years) would have to be repeated, probably at 5- or 10-year intervals.

¹² See <http://www.census.gov/prod/2006pubs/tp-66.pdf>.

¹³ See <http://www.census.gov/cps/about/supplemental.html>.

Better Understanding of Contemporary Housing Markets

Recent findings from paired-testing studies of housing market discrimination reveal that housing markets and housing market practices have changed substantially during the recent decades. In particular, housing providers rarely deny protected home-seekers information or access to advertised homes and apartments. More subtle forms of discrimination persist, however, and new forms of discrimination may be emerging. Traditional methods for measuring discrimination against protected classes may not capture all the forms of unfavorable or disadvantageous treatment that persist today. Changes to long-established testing study designs, along with other research methods, are needed to monitor trends in the incidence and forms of housing market discrimination and to inform fair housing enforcement and education efforts in the future. We specifically recommend—

1. A study focused on local occupancy standards and their interpretation and application by rental housing providers.
2. Qualitative interviews with fair housing complainants as an essential first step toward designing a “renter module” that could be added onto the CPS.
3. Focus groups with rental housing providers about perceptions, attitudes, and practices that may result in adverse treatment of protected classes.
4. An exploratory study of the feasibility and effectiveness of different approaches for assigning and communicating marginal or flawed qualifications to testers in paired-testing studies.

In addition, more research should focus on underlying questions about how housing markets work, including the experiences, perceptions, motivations, and diversity of behaviors among homeseekers and housing providers. Key questions include how households of various types search for housing; how rental housing providers are structured and managed and how these differences may affect their strategies and behaviors; how technology may be changing the behaviors of both homeseekers and housing providers; and how market practices vary across different types of neighborhoods. Demographic and housing market projections point to an impending boom in the number of renter households nationwide. Better understanding how rental housing markets work—and the factors that may contribute to disparate outcomes for protected classes—should be a top priority for housing policy research in the years ahead.

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