

DO WE KNOW MORE NOW?

Trends in Public Knowledge, Support
and Use of Fair Housing Law

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Prepared for:
U.S. Department of Housing and Urban Development
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By:
Martin D. Abravanel
The Urban Institute
Washington, DC

With assistance from:
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Philadelphia, Pennsylvania

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Executive Summary

The federal Fair Housing Act defines basic obligations, protections, and enforcement provisions pertaining to housing discrimination in the United States. Although enacted in 1968, it was not until 2001 that we learned the extent of the general public's awareness of and support for this law and the degree to which persons believing they were victims of housing discrimination sought to take advantage of its enforcement provisions. This report documents what we have learned since that time, based on new information.

How much did we know? Baseline information about the public's knowledge, attitudes and behavior relating to housing discrimination first came from a national survey conducted in late 2000 and early 2001. Sponsored by the U.S. Department of Housing and Urban Development (HUD), it revealed that majorities of the adult public were knowledgeable about and approved of most aspects of the law, although the size of the majorities varied across these aspects. It also discovered that only a small fraction of those believing they had experienced housing discrimination had taken any action in response. These are important issues because the Fair Housing Act relies on homebuyers or renters knowing enough to recognize housing discrimination when it occurs and, if experienced, to initiate a response—like filing a formal complaint for investigation, conciliation, or adjudication.

Promoting fair housing principles. As the federal agency responsible for enforcing the Fair Housing Act, HUD has a strategic interest in improving the level of public awareness of and support for fair housing law and in facilitating use of the Act's enforcement provisions where housing discrimination is thought to occur. To do so, the Department has for many years aided state and local agency and non-profit group efforts to conduct fair housing outreach and education programs, and publicized cases where enforcement efforts resulted in charges of housing discrimination. Also, beginning in August 2003, the private, nonprofit Advertising Council, in conjunction with HUD and others, conducted an extensive media campaign focused on recognition and reporting of housing discrimination. To learn if such efforts are associated with improvements in public knowledge about, agreement with, or use of Fair Housing Act provisions, HUD sponsored a second national survey in 2005.

Measuring public response to fair housing law. Both the 2000/1 and 2005 surveys posed a series of scenarios depicting actions taken by rental building owners, a home seller, a real estate agent and mortgage lenders, which might or might not have been discriminatory. Respondents were asked, first, if they agreed with each action and, second, if they believed it to be legal under Federal law. Steps were taken to protect against the scenarios and questions being too test-like, obvious, or patterned.

Trends in public awareness since 2000/1. The 2005 survey reveals that for five of the eight scenarios portraying discriminatory behavior under Federal law there is essentially no change in the extent of public knowledge since 2000/1. In a sixth scenario involving use of the words “Christians preferred” in advertising an apartment, *fewer* people in 2005 than in 2000/1 were aware of the fact that this is unlawful. For the remaining two scenarios—one involving a real estate agent restricting a client’s housing search to geographical areas based on racial concentration, and the other an apartment owner restricting a family to a particular building because they had children—more people are aware in 2005 than were aware in 2000/1 that these actions are illegal. When all responses to scenarios depicting illegal actions are summed to create an index representing the number each respondent correctly identified as illegal, there is no difference in the distribution of scores observed in 2005 compared to 2000/1. In both cases, about one-half of the public knew the law with respect to six or more of the scenario depictions.

Trends in public support since 2000/1. While knowledge of fair housing law may not have expanded since the baseline survey, public support for it has. On a scenario-by-scenario basis support improved by as much as nine percentage points when it comes to opposing restricting home sales based on race, and eight percentage points for opposing real estate agents limiting client home searches based on neighborhood racial composition. Somewhat smaller increases in support for the law are also observed for differential treatment of families with children, advertising a religious preference for an apartment, and restricting rental occupancy based on an applicant’s religion.

When responses to each of eight scenarios depicting illegal actions are summed, the share of the public expressing support for the law in six or more scenario depictions strengthened from 66 percent in 2000/1 to 73 percent in 2005. Likewise, support for a hypothetical open-housing law that would prohibit home sellers from discriminating on the basis of race, religion or nationality also increased from 67 percent of the population in 2000/1 to 70 percent in 2005.

The Fair Housing Act gives the federal government responsibility for investigating claims of housing discrimination and taking legal action on behalf of victims. While a majority (60%) of the public is supportive of this role, 27 percent is not. The latter, more so than the former, would also prefer that the federal government do less or continue as is in areas like education and housing and are somewhat less knowledgeable about fair housing law.

The extent of perceived discrimination. About 17 percent of the adult public claims to have suffered discrimination at some point when trying to buy or rent a house or apartment. If, however, the explanations given about the nature of the

perceived discrimination are taken into account, about eight percent of the public had experiences that might plausibly have been protected by the Act. While the frequency, actions, and bases for the alleged discrimination are diverse, majorities of this group believe they were discriminated against more than one time, were looking to rent more frequently than to buy, and identified race more so than any other attribute or characteristic as the basis of the discrimination.

Responses to perceived discrimination. The Fair Housing Act permits alleged victims of housing discrimination to file a complaint with HUD or a state or local agency or non-profit group working with HUD, which then investigates and simultaneously seeks conciliation. If the latter does not happen and reasonable cause exists to believe a discriminatory practice has occurred, HUD can file formal charges resulting in an administrative hearing or trial at no cost to the complainant. Prevailing complainants could be entitled to injunctive relief, compensatory damages, or punitive damages. Yet, four of every five persons who believed they had experienced housing discrimination plausibly covered by the federal Act profess not to have taken advantage of this process or, indeed, to have done anything at all in response.

Many alleged victims maintain they did not take action because they presumed doing so would not have been worth it or would not have helped. Some, however, did not know where or how to complain, supposed it would cost too much money or take too much time, were too busy, or feared retaliation. The minority who did respond mainly complained to the person thought to be discriminating or to someone else, but a small proportion also talked to or hired a lawyer or sought help from or filed a complaint with a fair housing or other group or government agency.

Public proclivities and beliefs regarding the fair housing complaint system. Approximately two-fifths of adults declare they would very likely take action if confronted with housing discrimination. While this is a minority, it represents twice as many persons inclined to act as, in fact, have done so when confronted with what appears to be discrimination. Inclination to take action, therefore, cannot fully explain the low rates of response to perceived discrimination. Likewise, other factors appear to only partially explain inaction, like not knowing where to go to get assistance or to complain, presuming that filing a complaint would be expensive, or expecting that a complaint would take too long to resolve. A more compelling explanation, however, may involve the results that are anticipated from filing a complaint. Just 13 percent of the public expects that filing a complaint would very likely accomplish good results, with a plurality believing such a conclusion to be only somewhat likely. Indeed, this expectation as to probable effect is associated with declared intention to take action: two-thirds of those who predict that filing a complaint would probably produce a good result say they would very likely do so, compared to less than one-fourth of those who do not anticipate this outcome.

Summary considerations. From the perspective of fair housing awareness, the fact that there is enhanced knowledge with respect to two scenario depictions is certainly an encouraging development while the fact that there is a decline with respect to another is somewhat troubling. However, the finding that knowledge of the range of fair housing bases and practices has not advanced since 2000/1 suggests there is significantly more that needs to be done to achieve HUD's strategic objective of promoting and increasing public awareness of fair housing law. The general lack of improvement is indicative of how challenging it must be to broaden the level of public awareness on an issue as involved as fair housing law, and suggests the need for renewed focus on this issue by HUD and others interested in promoting fair housing.

Improvement in support for fair housing law since 2000/1, seemingly a continuation of longer-term trends in this direction, is clearly a positive outcome. There is still a long way to go, however, since over one-fourth of the population is less than sympathetic to the range of fair housing law and, indeed, does not even favor federal responsibility for investigating housing discrimination claims or acting on behalf of victims. Continued efforts to learn more about what information or logic informs such views seems basic to the success of prospective educational and outreach efforts undertaken in this area.

Finally, as more details have emerged concerning why so few persons who believe they have experienced housing discrimination have taken action in response, yet additional questions have surfaced. The subject is still not adequately understood. However, the fact that only a tiny fraction of the public anticipates good results from filing a fair housing complaint seems certainly to provide a clue as to what might be wrong. This is perhaps a good starting point for motivating additional effort aimed at improving both the system and the public's expectations of it.

CHAPTER 1: BACKGROUND – WHAT’S AT ISSUE?

The U.S. Department of Housing and Urban Development (HUD) first surveyed a representative sample of the American population in December 2000 and January 2001 to gauge the extent of public knowledge of the Nation’s fair housing law—which prohibits discrimination in the rental or sale of housing. A 2001 report on the survey (titled *How Much Do We Know? Public Awareness of the Nation’s Fair Housing Laws*) observed that a majority of the public was aware of, and also approved of, many aspects of fair housing law, though the size of that majority depended on which aspect of the law was considered.¹ It also revealed that while one in every seven adults believed they had personally experienced housing discrimination at some point, very few of them had taken any action in response to it. That is contrary to the premise of Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act, which relies on injured parties filing complaints as its primary enforcement provision.

For years HUD has administered a continuing program to educate the general public about housing discrimination—focusing on what it involves, who is protected under the law, and what can be done if it is experienced. Additionally, since the 2000/1 survey was conducted, a media campaign has also attempted to sensitize the public to the problem of housing discrimination. To see if there has been improvement in general public knowledge and support of the law since 2001, and to delve deeper into the question of why perceived discrimination infrequently produces a response, HUD sponsored a second survey of the general public in early 2005. This report, documenting the results of that survey, answers the question: *Do we know more now?*

As explained in greater detail in the *How Much Do We Know* report, the Fair Housing Act, as amended, prohibits discrimination with respect to most kinds of housing transactions—including rentals, home sales, mortgage lending, home improvement, and zoning—based on race, color, national origin, religion, sex, familial status, and disability.² It also confers primary authority and responsibility for administering as well as enforcing its provisions on the Secretary of HUD.

¹ However, the survey also indicated that only a minority of the public was aware of and supported protections provided to renter families with children. See Martin D. Abravanel and Mary K. Cunningham, *How Much Do We Know? Public Awareness of the Nation’s Fair Housing Laws*, U.S. Department of Housing and Urban Development, April 2002; and Martin D. Abravanel, “Public Knowledge of Fair Housing Law: Does It Protect against Housing Discrimination?” *Housing Policy Debate*, Volume 13, Issue 3 (2002), 469-504.

² Abravanel and Cunningham, 2-6. See HUD’s Website for additional information on the Fair Housing Act, especially <http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm> and

The Act provides for persons who believe they have experienced housing discrimination to file a complaint with HUD. Either HUD or a state agency, in cases where state or local laws are substantially equivalent to the federal Fair Housing Act, investigate the allegation and seek conciliation between complainants and respondents—at no cost to the complainant. If conciliation fails, and where the investigation determines that reasonable cause exists to believe a discriminatory housing practice has occurred, a formal charge of discrimination is filed either with a state agency, if the matter is brought under substantially equivalent laws, or with the Office of Administrative Law Judges, an independent office within HUD. Then, either a HUD attorney, when the HUD process is pursued, or a state representative, when a case is filed with the state, represents the complainant in a hearing before one of HUD’s Administrative Law Judges, or in the equivalent state forum. Within the HUD process, a complainant or respondent may elect to have the case heard in Federal District Court, where the U.S. Department of Justice (DOJ) represents the complainant. Depending on which track is chosen, a prevailing complainant may be entitled to injunctive relief, compensatory damages, and/or punitive damages.³

In addition to its responsibilities for administering the enforcement provisions of the Fair Housing Act, HUD also attempts to prevent or eliminate discriminatory housing practices through several programs and initiatives. These help state and local governments administer laws and ordinances that are consistent with the Fair Housing Act, and also provide funding to private fair housing agencies to support a range of activities—including those intended to educate the public about its fair housing obligations and rights.⁴

<http://www.hud.gov/offices/fheo/FHLaws/index.cfm>. Other protections derive from the Civil Rights Act of 1866, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Executive Order 11063 (Nondiscrimination), Executive Order 12892 (Equal Opportunity in Housing), Executive Order 12898 (Environmental Justice), Section 504 of the Rehabilitation Act of 1973 (as amended), Title II of the Americans with Disabilities Act of 1990 (ADA), the Equal Credit Opportunity Act, and the Architectural Barriers Act of 1968.

³ While complaints filed by persons who believe they have experienced discrimination are the prevalent mode of fair housing enforcement, the Fair Housing Act also authorizes proactive government intervention. The HUD Secretary may initiate an action where s/he has information that a discriminatory housing practice may have occurred. DOJ may also bring lawsuits when alleging a pattern or practice of housing discrimination. Decisions of Administrative Law Judges and the federal district court are subject to a review by the U.S. Court of Appeals.

⁴ Through noncompetitive grants provided to state and local government agencies, HUD’s Fair Housing Assistance Program (FHAP) supports administration of state and local laws that are substantially equivalent to federal fair housing law. And, through competitive grants provided to non-profit organizations and state and local governments, the Fair Housing Initiatives Program (FHIP) supports a range fair housing programs—including those that inform the general public of its rights and obligations under the Fair Housing Act. Many grantees disseminate information on fair

The importance of public awareness of fair housing law. Public awareness of fair housing law is important because the Fair Housing Act relies on those who believe they have suffered discrimination to take personal action—i.e., to file a fair housing complaint. It is logical that complaints are more likely to be filed (and more likely to be valid) when people know what is covered by the Act and under what circumstances. For that reason, the more the general public knows about the law, the more homebuyers or renters can be expected to benefit from it.⁵ That is why HUD asserts that “(b)roader awareness of fair housing laws is critical to reducing discriminatory actions.” It is also why HUD established the strategic objective of promoting and increasing public awareness of the law and provides grants to fair housing organizations and agencies to support public education and outreach efforts.⁶

That notwithstanding, there is not consensus among fair housing proponents as to the relative importance of the public’s awareness of the law compared to other means of promoting equal opportunity in housing. The *How Much Do We Know* report provided support for the notion that knowledge may be helpful to persons who have experienced discrimination, but it also provided reason to be concerned about the ultimate utility of public knowledge. On the one hand, members of the general public who were better informed were over two-and-one-half times as likely to have taken some type of action when faced with perceived housing discrimination as were less well informed persons.⁷ On the other hand, even among those with the highest amounts of fair housing knowledge, less than one in four persons chose to take action when confronted with what they believed to be discrimination. Most chose to do nothing, in which case the discrimination—if, indeed it occurred—likely went unchallenged.

The fact that many people do not file complaints is one reason some fair housing proponents downgrade the importance of public awareness as a tool for dealing with discrimination, preferring a more proactive approach that involves seeking out, prosecuting, and punishing offenders.⁸ Their rationale is

housing rights to tenants, and on fair housing responsibilities to landlords, real estate agents, developers, insurance and lending professionals, and municipal government personnel.

⁵ Likewise, it is logical that the more home sellers, landlords, and others involved in housing transactions know about fair housing law, the more they can be expected to comply with it.

⁶ *HUD Strategic Plan: FY 2003-FY 2008*, U.S. Department of Housing and Urban Development, March 2003, p. 35.

⁷ Abravanel, 498.

⁸ One means of doing so involves tests or audits, which are designed to objectively identify both blatant and subtle forms of discrimination. They involve pairing two people or couples who are otherwise similar (with respect to income, education, credit worthiness, etc.) but are of a different race, for example, and examining the treatment received when they attempt to rent or buy

that there is a limit to what the general public can know about discriminatory acts and, as well, that other factors beyond awareness are likely to drive consumer responses. In part, this is because not all discriminatory actions are observable to housing consumers, regardless of how familiar they are with the law.

Although there may not be consensus among fair housing proponents as to the relative value of consumer education, few would likely argue that public knowledge is not important at all, and many would agree with Michael Seng:

...enforcement alone, without a strong public education program, will not be effective. The two must go hand in hand. Each depends on the other. An emphasis on one at the expense of the other will not eliminate housing discrimination in the United States and establish strong and healthy integrated communities.⁹

Indeed, because current public policy relies on complaints by alleged victims to initiate fair housing enforcement proceedings, the issue of public awareness must be taken seriously. Aside from the question of its value relative to other enforcement approaches, therefore, HUD's strategic objective of promoting an adequate and increasing level of public awareness and monitoring the extent of that improvement over time is clearly very important.

Efforts to enhance public awareness of fair housing law. HUD administers a continuing program intended to improve the level of public knowledge of fair housing law. It includes grants that are distributed to state and local entities that conduct outreach and education efforts, support of public service advertisements in the media to promote fair housing awareness, and distribution of media publicity where cases of housing discrimination have been charged.¹⁰

HUD has expended over \$23 million between fiscal years 2001 and 2005 on education and outreach activities through its Fair Housing Initiatives Program (FHIP).¹¹ Funds are competitively provided to state and local government agencies, public and private nonprofit organizations, and other groups to serve

housing or obtain related services. Patterns of differential treatment during the transaction (apartment availability, loan quotes, etc.) provide evidence of discrimination. Some tests are used for research purposes, to estimate the incidence of discrimination, while others are used to identify and prosecute offenders.

⁹ Michael P. Seng, "Comment on Martin D. Abravanel's 'Public Knowledge of Fair Housing Law: Does It Protect against Housing Discrimination?'" *Housing Policy Debate*, Volume 13, Issue 3, p 516.

¹⁰ In 2005, HUD created a new Office of Education and Outreach to coordinate its efforts (see www.hud.gov/fairhousing).

¹¹ HUD SuperNOFAs 2001-2004, www.hud.gov/library/bookshelf18/supernofa/index.cfm.

a number of purposes. These include explaining to the general public, targeted specialized groups, and key housing market actors what equal opportunity in housing means and what it requires with respect to the sale, rental, and financing of housing—covering such topics as the bases covered by, and practices prohibited under, the Fair Housing Act, as well as where to file complaints. The funds have been used variously for (a) production and distribution of flyers, printed materials, and mailings, (b) presentations, conferences, training sessions, forums, workshops, seminars, and counseling and educational programs, and (c) public service announcements, newsletters, media campaigns, and appearances on television and radio programs to promote fair housing law awareness. Funds have also been used to assist housing providers with compliance with the Act.

In August 2003, the Advertising Council (a private, non-profit producer of public service advertisements), in conjunction with the Leadership Conference on Civil Rights Education Fund, the National Fair Housing Alliance and HUD, launched a creative series of television ads intended to increase recognition and reporting of housing discrimination. The ads aired on television and radio over one million times in English and over 12,000 times in Spanish, as well as appeared in print media. In total, broadcast television, cable, radio and other media donated over \$38 million in advertising time.

One of the ads, titled “Accents,” depicted a man making multiple phone calls inquiring about the availability of an advertised apartment—using different names and accents for each call. Each time he adjusted his voice to sound like someone who was Hispanic, Indian, African American, etc., and each time he was told the apartment was not available. Then, when using a name and accent indicating he was white, he was told the apartment was still available. A second ad titled “Do you still like me?” involved a man saying he had a good job, salary and credit history, and asking, “Would you rent your place to me?” Then, he asks, “What if I have an accent, or a last name that sounds foreign? What if I have a disability? What if I am a single parent? Would you steer me away? Would you close the door?”

A tracking survey of the general public conducted during the period the ads were aired revealed that awareness of the ads increased over time from four percent to 23 percent for “Accents,” and from three percent to 17 percent for “Do You Still Like Me?” More importantly, awareness of the Fair Housing Act increased significantly for the general public, going from 67 percent to 74 percent between the pre- and post-ad period, and those who saw the ads were

more likely than those who did not to be aware of the Act—87 percent vs. 70 percent.¹²

In addition to the ad campaigns, when housing discrimination charges have been filed over the last several years, they have generally received some amount of media attention, usually in the local media where the cases are of interest.¹³ Indeed, HUD often issues press releases stating the allegations and indicating when hearings are scheduled to be held; the releases give background information about the fair housing enforcement process, informing persons who believe they have been victims of housing discrimination who to contact for assistance. When fines and settlements result from fair housing cases—which can climb as high as several hundred thousand dollars—these also generally receive publicity.

Are these various outreach, educational and media efforts associated with changes in public awareness or approval of the protections afforded by the Fair Housing Act? If not, are they at least sufficient to maintain the levels of public knowledge and support previously observed? This follow-up survey to the baseline survey seeks to answer these questions.

¹²Millward Brown, *Housing Discrimination Post Wave Tracking Report*, September 2004. Also, in April 2005, the Advertising Council launched a new series of radio and print ads involving more than 15,000 outlets, which donated in excess of \$50 million in advertising time and space for the campaign. It features the tagline, “Fair Housing. It’s not an option. It’s the law.”

¹³ HUD’s Office of Fair Housing and Equal Opportunity maintains an informal collection of approximately 2,500 media articles dealing with fair housing and related matters dated since January 2001.

CHAPTER 2: SURVEY METHODOLOGY—WHAT WAS DONE?

To learn if the public’s perspective on fair housing law has changed since 2000/1, a national cross-sectional survey of 1,029 adults was conducted between January 28 and May 1, 2005.¹⁴ It was designed to replicate the methodology of the *How Much Do We Know* survey, where feasible. As such, it consisted of a random digit dial telephone survey that was inclusive of the nation’s 48 contiguous states and the District of Columbia.¹⁵ Going beyond the baseline survey, however, the 2005 effort also included supplemental samples of four targeted populations—African-Americans, Hispanics, persons in families with children under 18 years of age, and persons in households with persons with disabilities—to facilitate comparative analysis with the general population survey (see Table 1).¹⁶ The questionnaire used for the survey mirrored that of the 2000/1 survey, but also contained some additional questions intended to extend the analysis.¹⁷

Table 1: Number of Respondents and Composition of Base Sample and Sub-Samples

GROUP	A	B	C	B + C	Total Number of Persons Interviewed [#]
	Number of Persons in Base Sample	Number of Persons in Sub-Samples Derived from Base Sample	Number of Persons in Supplemental Sub-Samples Not Derived from Base Sample	Total Number of Respondents in Each Sub-Sample	
Base Sample	1,029				
African Americans		138	266	404	
Hispanics		71	328	399	
Persons in Families with Children under 18 Years Old		372	32	404	
Persons in Households with Persons with Disabilities		243	232	475	
Total	1,029				1,746

[#] Because some respondents were included in more than one sub-sample, the total number of persons interviewed is smaller than the sum of the base plus the supplemental sub-samples.

¹⁴ Overall the base sample has a +/- 3 percentage-point margin of error at a 95 percent confidence level.

¹⁵ The sample was generated using GENESYS, the same sample development product utilized for the 2000/1 survey.

¹⁶ To maximize the efficiency of the targeted supplemental samples, as distinct from the national sample, telephone numbers were randomly selected from zip codes containing a 50 percent or greater proportion of Hispanics or African Americans. Persons in families with children under 18 years of age and persons in households with disabled individuals were screened from the national sample. The samples were then weighted based on current U.S. Census information for each group. See Appendix B and Appendix C for a more detailed discussion of sampling and weighting methodology.

¹⁷ Throughout this report, percentages based on 50 or fewer respondents are shown in parentheses to emphasize the fact that they are based on very small numbers.

CHAPTER 3: PUBLIC AWARENESS OF FAIR HOUSING LAW—HAS IT IMPROVED?

For the first time in 2000/1 the *How Much Do We Know* survey reported the level of adult public awareness of fair housing law as a benchmark for future tracking and analysis. This section describes the method used to measure awareness in 2000/1 and how that method was replicated in 2005 to determine if any change has occurred in the interim.

The 2000/1 survey. The procedure used to measure fair housing awareness involved posing to survey respondents a series of ten hypothetical scenarios related to the sale or rental of housing—eight of which depicted illegal actions under the Fair Housing Act by either rental building owners, a homeowner, a real estate agent, or a lender.¹⁸ Respondents were asked, first, if they agreed with the actions and, then, if they believed them to be legal under Federal law.¹⁹

The rationale for asking respondents their *opinions* about the actions (where there are no right or wrong answers) *before* gauging their knowledge of the legality or illegality of the actions was to avoid the appearance of testing respondents, who might resist answering or become annoyed if the knowledge questions were more prominent—out of concern for the correctness of their answers. The rationale for the wording of the scenarios, which included justifications for each action, was to avoid the appearance of blatant prejudice on the part of the hypothetical building owner, homeowner, real estate agent, or lender. Such prejudice could potentially bias respondents' opinions and

¹⁸ The remaining two scenarios involved actions that are legal under the Fair Housing Act. The first was: "In checking references on an application for a vacant apartment, an apartment building owner learns that an applicant does not have the best housekeeping habits; he does not always keep his current apartment neat or clean. The owner does not want to rent to such a person." Since the owner's decision is not based on the applicant's race, color, national origin, religion, sex, familial status or disability—but bad housekeeping habits—the applicant is not protected under federal fair housing law. The second scenario was: "A black person applies to a bank for a home mortgage. He does not have a steady job or enough income to pay a monthly mortgage payment. When he did work, the job did not pay very much. Because of his lack of a steady job and insufficient income, the loan officer decides not to give this person a mortgage." Since the loan officer's denial is based on the fact that the applicant has insufficient income to cover monthly mortgage expenses and not on his race or another protected basis, it is not illegal under federal fair housing law.

¹⁹ Respondents were given the option to say, "yes" (they agreed) or "no" (they did not agree) with the illegal actions described in the eight scenarios, or they could volunteer the response, "it depends." Support for the law is established when respondents say "no," they do not think the action should be taken. With respect to knowledge of the law, respondents were asked if the illegal actions depicted in the eight scenarios were legal "under federal law", and given the option to say, "yes" (it is legal) or "no" (it is not legal), or they could volunteer the response, "it depends." Awareness of the law is established when respondents say, "no" (it is not legal), to questions dealing with the scenarios depicting illegal actions.

inappropriately signal the illegality of some of the actions, which are illegal regardless of the motivations—good or bad—of those involved. Finally, the rationale for including two questions that did not depict illegal actions was to avoid the occurrence of a response ‘set,’ where a succession of questions and responses made to them could influence how respondents answer subsequent questions. In the absence of such questions, respondents might sense a pattern or strive for consistency as opposed to knowing the answer.

Exhibit I: Scenarios Involving Fair Housing Law

#	Scenario	Question Wording
1	Differential treatment of families with children	An apartment building owner who rents to people of all age groups decides that families with younger children can only rent in one particular building, and not in others, because younger children tend to make lots of noise and may bother other tenants.
2	Opposing construction of a wheelchair ramp	An apartment building owner is renting to a tenant who uses a wheelchair. The building is old and does not have a wheelchair ramp, and the tenant wants a small wooden ramp constructed at the building door to more easily access the building. He asks the owner if it is okay to build the ramp. The tenant says he will pay all the costs, and agrees to have the ramp removed at his own expense when he leaves. The owner, however, believes such a ramp will not look good on his building, and decides he does not want it constructed on his property.
3	Advertising “Christians preferred”	An apartment building owner places a notice on a community bulletin board to find a tenant for a vacant apartment. This notice says, “Christians preferred.”
4	Disapproval of a rental to a person with mental illness	In checking references on an application for a vacant apartment, an apartment building owner learns that the applicant has a history of mental illness. Although the applicant is not a danger to anyone, the owner does not want to rent to such a person.
5	Disapproval of a rental to a person of a different religion	An apartment building owner learns that an applicant for a vacant apartment has a different religion than all the other tenants in the building. Believing the other tenants would object, the owner does not want to rent to such a person.
6	Restricting home sales to white buyers	The next question involves a family selling their house through a real estate agent. They are white, and have only white neighbors. Some of the neighbors tell the family that, if a non-white person buys the house, there would be trouble for that buyer. Not wanting to make it difficult for a buyer, the family tells the real estate agent they will sell their house only to a white buyer.
7	Limiting a real estate search to white-only areas	A white family looking to buy a house goes to a real estate agent and asks about the availability of houses within their price range. Assuming the family would only want to buy in areas where white people live, the agent decides to show them only houses in all-white neighborhoods, even though there are many houses in their price range in other parts of the community.
8	Requiring a higher down payment based on ethnicity	An Hispanic family goes to a bank to apply for a home mortgage. The family qualifies for a mortgage but, in that bank’s experience, Hispanic borrowers have been less likely than others to repay their loans. For that reason, the loan officer requires that the family make a higher down payment than would be required of other borrowers before agreeing to give the mortgage.

The eight scenarios positing illegal actions are presented in Exhibit I. Each includes a housing practice (such as denying a unit, not providing accommodation for a disability, or steering) and a basis (such as race, familial

status, or religion). Thus, correctly knowing the law involves recognizing both the practices and bases that are covered by the Fair Housing Act.

Based on these scenarios, the public's awareness of fair housing law in 2000/1 varied from substantial to modest—depending on the category of discrimination in question.²⁰ It was quite extensive with respect to a homeowner (working through a real estate agent) limiting a home sale on account of race, a landlord denying an application on the basis of religion, or a mortgage lender requiring a larger down payment on the basis of ethnicity. There was somewhat less awareness of the law with respect to a landlord advertising a religious preference, refusing to rent based on an applicant's mental illness, and denying a renter's request to provide accommodation for a disability, or to a real estate agent spatially limiting (steering) a home search based on neighborhood racial composition. Finally, there was least awareness of the law with respect to treating families with children differently from other renters.

Summing respondents' answers about the legality of the hypothetical actions taken by rental building owners, a homeowner, a real estate agent and a lender results in a score that ranges from zero (no knowledge with respect to any of them) to eight (knowledge of all of them). In 2000/1, 16 percent of the public knew the law in only two or fewer of the scenario depictions, while 51 percent knew it in six or more of them, as shown in Table 2.

Table 2: The Extent of Public Awareness of Fair Housing Law, 2000/1

Extent of Awareness	2000/1
Low*	16%
Medium**	33
High***	51
Total	100%
Number of Respondents	1001

* Index score: 0 - 2 answers correct.

** Index score: 3 - 5 answers correct.

*** Index score: 6 - 8 answers correct.

The 2005 survey. Beginning in 2004, HUD established as a goal for the year 2006 improving the level of public awareness of the range of fair housing law.²¹

²⁰ Abravanel and Cunningham, 10-13.

²¹ HUD's FY 2004 Annual Performance Plan (APP) established as a goal for the year 2006 raising the level of public awareness of fair housing law beyond the level observed in the 2000/1 baseline survey. As a performance indicator, it looked to increase the proportion of persons correctly identifying six or more of the eight scenarios from 51 percent to 55 percent. Subsequent years' APPs continued to seek improvement in the level of public knowledge, but did not include this

To determine if knowledge of the protected bases and discriminatory housing practices that are covered by the Fair Housing Act had changed since 2000/1, the 2005 survey used the same scenarios and, again, inquired as to whether the hypothetical actions were legal under Federal law.

Comparisons between the 2000/1 and 2005 surveys. Table 3 shows the results of the 2005 survey on a scenario-by-scenario basis and compares them to those of the earlier survey. It shows that for five of the eight scenarios there were no statistically significant differences in public awareness observed between 2000/1 and 2005.

Table 3: Public Awareness of Fair Housing Law—Percent Giving Correct Answers, By Scenario and Year*

Scenario	Percent Giving Correct Answer	
	2000/1	2005**
Differential treatment of families with children	38%	44% *
Limiting real estate search to white-only areas	54%	58% *
Opposing construction of wheelchair ramp	56%	54%
Disapproval of rental to persons with mental illness	57%	60%
Advertising "Christians preferred"	67%	62% *
Requiring a higher down payment based on ethnicity	73%	70%
Disapproval of rental to persons of a different religion	78%	77%
Restricting home sales to white buyers	81%	81%
Number of Respondents	1,001	1,029

* The chi-square test is significant at $P \leq 0.05$.

** Includes the Base Sample only.

With respect to one of the scenarios (that involving advertising "Christians preferred"), fewer people in 2005 than in 2000/1 are aware that it is unlawful for an apartment building owner to advertise a tenant preference based on religion.²² In 2000/1, 67 percent of the public knew that to be the case, compared to 62 percent in 2005—a statistically significant difference. Although it may appear counterintuitive for knowledge to decline over time, it should be noted that the 2005 sample consists of some proportion of younger persons who were not eligible to be surveyed in 2000/1, and the loss of some portion of the oldest cohort from the earlier survey period; that, or possibly other compositional changes in the population between the two time periods, could account for such a decline. Also, since more fair housing complaints to HUD pertain to race,

indicator. See U.S. Department of Housing and Urban Development, *Performance and Accountability Report, FY 2004*, p. 2-97. See also, *HUD Strategic Plan*, 35.

²² It is also unlawful for owners (including those of single-family and owner-occupied housing) to engage in discriminatory advertising with respect to race, color, national origin, sex, familial status, or disability.

familial status and disability than to religion, it is conceivable that education and outreach efforts undertaken in the preceding period did not focus sufficiently on discrimination based on religion. Such efforts may also not have emphasized the illegality of advertising any preference involving the Fair Housing Act's prohibited bases.

As measured by two other scenarios, public awareness improved since 2000/1. In the first instance it did so by only a small amount, but one not very likely to have occurred by chance. This involved a real estate agent deciding to restrict a client's search for housing to geographical areas based on racial composition. Specifically, the agent limited the search of a white client to white-only neighborhoods on the presumption the client would only want to buy in such areas. Although a different form of steering than that involved when showing minority buyers homes in minority-only areas, thus keeping them from predominantly white neighborhoods, 58 percent of the public is aware this is a violation of federal law—up from 54 percent in 2000/1.

The second improvement in knowledge involves differential treatment of families with children. In 2000/1 only a minority of the public understood that, under most circumstances, landlords may not treat families with children any differently than other types of households. Of the eight scenarios, the smallest proportion of the public understood this one correctly in 2000/1: only 38 percent knew it was not legal under federal law for a landlord to decide that families with children could only rent in one particular building, as opposed to others. In 2005, however, the proportion increased to 44 percent. This still represents only a minority of the public, but clearly is an improvement.

Given the fact that a very small proportion of the public was aware of the prohibition against discriminatory treatment of families with children in 2000/1, a new scenario was added to the 2005 survey to allow for additional examination of this issue. The question wording, along with that of the scenario posed in both years, appears in Exhibit II.

Exhibit II: Two Scenarios Involving Treatment of Families with Children—Question Wording

Scenario Version I: 2000/1 and 2005	Scenario Version II: 2005 Only
An apartment building owner who rents to people of all age groups decides that families with younger children can only rent in one particular building, and not in others, because younger children tend to make lots	An owner of an apartment complex containing three large buildings has rented to families with children in all three buildings for many years. Recently, at one of the buildings, several tenants without children complained that children in the building were too loud. They asked the owner not to rent to any more families with children in that building. The owner agreed, saying he would not rent to families with children from that point on. Later, when a family with children contacts the owner to find out if any apartments are available for rent, the only vacant apartment is in that building. So,

of noise and may bother other tenants.	the landlord replies that there is nothing for them to rent at the time.
--	--

The scenarios are different in at least two respects. For one thing, the second hypothetical makes it explicit that the owner's buildings are in the same rental complex. A potentially more important distinction with respect to public perception, however, is the fact that the outcome of the original hypothetical is that a family *is* provided with a rental option, albeit in one particular building because there are young children in the household. The outcome of the second, however, is that a family is denied a housing option because the only available vacancy is in a building the owner has agreed not to rent to families with children. Related to this is the fact that the owner asserts, "there is nothing for them to rent" when, indeed, there is a vacancy in the complex. The findings are displayed in Table 4.

Table 4: Differential Treatment of Families with Children—Two Scenarios

Scenario Version	Percent Giving Correct Answer	
	2000/1	2005**
I*	38%	44%
II	Not Asked	61%

* The chi-square test comparing Scenario Version I by year is significant at $P \leq 0.05$.

** Includes the Base Sample only.

When Version II of the scenario is posed, 61 percent of the public correctly responded that the action is not legal—considerably higher than the proportion aware that the action in the first instance is equally contrary to federal law. The difference in public knowledge between the two versions, which is substantial, may indicate a recognition on the part of some that families with children are protected under federal law but not that the action of treating them differently (with respect, say, to building assignment) is illegal, or it may indicate that people make a distinction between treating persons differently (whether families with children or others) and denying them an available unit.

Sub-group comparisons. Through over-sampling of African Americans, Hispanics, individuals in families with children, and individuals in households with persons with disabilities, the 2005 survey was designed to improve comparison of the fair housing knowledge of such groups. As indicated in Table 5, African Americans are more likely than the general public to know that racial steering is illegal, and Hispanics are more likely than the general public to correctly identify as illegal six of the hypothetical actions posed in the original set of eight scenarios. These differences are all statistically significant—i.e., they are not very likely to have occurred by chance.

Table 5: Public Awareness of Fair Housing Law Scenarios—Percent Giving Correct Answer, by Scenario, Year, and Sub-group

Scenario	Year					
	2000/1	2005				
	Total Population	Total Population*	Subgroups**			
		African Americans	Hispanics	Persons in Families with Children	Persons in Households with Persons with Disabilities	
Differential treatment of families with children –Version I	38%	44% ***	50%	55%****	44%	43%
Differential treatment of families with children –Version II	--	61%	65%	74%****	63%	64%
Limiting real estate search to white-only areas	54%	58%***	67% ***	68%****	60%	60%
Opposing construction of wheelchair ramp	56%	54%	53%	55%	57%	58%
Disapproval of rental to persons with mental illness	57%	60%	57%	71%****	64%	64%
Advertising “Christians preferred”	67%	62% ***	68%	68%	61%	61%
Requiring a higher downpayment based on ethnicity	73%	70%	68%	78%****	71%	71%
Disapproval of rental to persons of a different religion	78%	77%	79%	87%****	81%	77%
Restricting home sales to white buyers	81%	81%	85%	88%****	85%	82%
Number of Respondents	1,001	1,029	404	399	404	475

*Includes the Base Sample only.

**Includes the Base Sample plus the Supplemental Sample.

***The chi-square test comparing the 2000/1 total population and 2005 total population is significant at $P \leq 0.05$.

****The chi-square test comparing the sub-group and 2005 total population is significant at $P \leq 0.05$.

Explanation for the relatively consistent, higher-than-average level of fair housing awareness among the Hispanic population must extend beyond the survey. It can be noted, however, that in response to research released in 2002 showing that Hispanic persons experienced discrimination one in every four times they searched for rental housing,²³ HUD specifically enhanced its education and outreach efforts directed toward the Hispanic community.²⁴ For example, in addition to recently allocating \$1.7 million to six states with large or rapidly growing Hispanic populations, it provided \$850,000 over two years to organizations with established ties to the Hispanic community to provide bilingual

²³ Margery Austin Turner *et al.*, *Discrimination in Metropolitan Housing Markets: National Results from Phase I of HDS 2000: Final Report*, U.S. Department of Housing and Urban Development, November 2002. The study concluded that Hispanic renters faced a higher incidence of discrimination than African American renters.

²⁴ *2005 State of Fair Housing Report*, 3.

fair housing materials and services.²⁵ Indeed, the Department considers these increased education and outreach efforts to have been partially responsible for a general increase in discrimination complaints filed with HUD and its partner agencies since 2002—including the fact that they received 31 percent more complaints from Hispanics alleging discrimination based on national origin in fiscal year 2004 than they did in 2003.²⁶ While time-series data are not available to demonstrate empirically whether these increased education efforts were responsible for boosting public awareness of fair housing law among the Hispanic community, that possibility cannot be discounted.²⁷

The extent of public awareness of fair housing law. The eight scenarios depicting illegal housing discrimination are combined into an Awareness Index, with scores that range from 0 to 8. The Index is the sum of the number of scenarios each individual correctly identified as involving discriminatory conduct.

As shown in Table 6 where scores are categorized into “high,” “medium,” and “low,” there is essentially no observed or statistically significant difference in the distribution of scores between the 2000/1 and 2005 surveys. Also, for both surveys, the average (mean) score is 5.1 and the median is 6—the latter indicating that about one-half of the public knew the law with respect to six or more of the scenario depictions in *both* years. Based on this measure, the overall extent of public awareness of fair housing law had not improved (or, for that matter, worsened) beyond its 2000/1 level by early 2005. This is the case despite the increase in public awareness of the illegality of discrimination against families with children and racial steering, and the decline in knowledge of the illegality of advertising “Christian preferred.”

²⁵ HUD has also recently established a new division dedicated to fair housing education and outreach—with special emphasis on increasing Hispanic fair housing awareness and homeownership rates.

²⁶ *2005 State of Fair Housing Report*, 1.

²⁷ Note that the procedure used to achieve a large enough supplemental sample of Hispanic respondents resulted in a sample not completely representative of the Hispanic population as characterized by the U.S. Bureau of the Census, and that even weighting to adjust for some demographic differences may not have fully corrected for this (see Appendix C). Hence, this may also be a factor affecting the Hispanic results.

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