



Rental Housing Discrimination on the Basis of Mental Disabilities: Results of Pilot Testing

Study of Rental Housing Discrimination on the Basis of Mental Disabilities: Final Report



RENTAL HOUSING DISCRIMINATION ON THE BASIS OF MENTAL DISABILITIES: RESULTS OF PILOT TESTING

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Disclaimer

The contents of this report are the views of the contractor and do not necessarily reflect the views or policies of the U.S. Department of Housing and Urban Development or the U.S. government.

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Executive Summary

Introduction

More than 15 million people in the United States have some type of mental disability (MD). Many of these individuals seek community-based housing in the rental market. As a result of the U.S. Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), an increasing number of individuals with disabilities are moving from nursing homes and other institutional and segregated settings into community-based settings. As a result, equality of access to the rental housing market has become even more of a critical policy issue.

This study represents the first comprehensive examination of discrimination in the rental housing market against people with MD, specifically focusing on people with mental illness (MI) and those with intellectual or developmental disability (I/DD). The goal of the study is to increase the understanding of the forms and prevalence of housing discrimination against this community as its members seek market-rate rental housing.

The overall study design included a stepwise approach to testing the feasibility of involving individuals with MI and I/DD in discrimination testing and to obtaining data regarding their treatment by rental housing providers. The study was initiated with a comprehensive review of relevant literature and the convening of multiple focus groups that included individuals with MI and I/DD, disability and fair housing organizations, and policymakers. As very little discrimination research to date has actually included these target populations as participants in the process, the focus groups were particularly informative in identifying specific issues faced by individuals with MI and I/DD throughout the process of seeking rental housing. Barriers identified by the focus group process included—

- Negative and stigmatizing reactions and attitudes by housing providers and their agents.
- Improper requests to disclose personal and disability-related information.
- A lack of understanding about what types of reasonable accommodations may be needed by individuals with MD.
- The denial of proper requests for reasonable accommodations.
- Steering toward specific housing, buildings, or units based on an individual's disability.

From focus group input, the authors learned that individuals with MI and I/DD experience potential discrimination at different points of time in the rental process: when initially attempting to gain information about available units, during the application process, and even after moving in and during their tenure in their home.

After the literature review and focus group phases were conducted, protocols for conducting discrimination testing were designed. A matched-pair testing design was created to examine differences in treatment by housing providers between individuals with MI and I/DD (protected testers) and individuals without such disabilities (control testers). Paired testers were matched on key characteristics other than disability, such as income, race, gender, and age. The testing sought to examine differences in testers' treatment across three modes of contact with housing providers: e-mail, telephone, and in person. These modes generally represent the primary ways people, including individuals with MI and I/DD, might seek rental housing. In two of the modes, e-mail and telephone testing, a request for a reasonable accommodation was also made by the protected tester to allow for the examination of housing providers' responses.

An initial set of exploratory tests was administered to examine and refine testing protocols before broad-scale testing. After the exploratory testing, broad-scale pilot testing was conducted in multiple urban rental markets across the United States. Testing in each mode was divided equally between the two subcategories of MD (MI and I/DD), and more than 1,000 matched-pair tests were administered—359 by e-mail in nine rental markets, 668 by telephone in nine rental markets, and 101 in person in two large rental markets.

This study represents the first time that individuals with MI and I/DD have been enlisted to serve as in-person testers in a comprehensive, multicity housing discrimination study. As a result, this study also contributes significantly to our knowledge about research methodologies that are accessible, inclusive, and participatory to individuals with MI and I/DD. Based on feedback from individuals with MI and I/DD, a testing methodology was developed for this study in which individuals without MI and I/DD were trained and accompanied protected testers as companions during in-person tests. These companion testers served three roles: first, to act as a friend and natural support to the protected tester during the testing; second, to

further disclose the MD of the protected tester to the housing provider; and third, to assist in preparing detailed field notes to document their testing experiences.

Summary of Findings

The testing conducted in this study documented significant levels of adverse differential treatment toward individuals with MI and I/DD when compared with individuals who did not have MD. Pilot testing revealed that individuals with MI and I/DD were—

- *Less likely to receive a response to their inquiry* (17.55 percent of people without disabilities received a response compared with 9.19 percent of people with MI and I/DD in e-mail testing).
- *Less likely to be told an advertised unit was available* (5.94 percent of people without disabilities were told that the advertised unit was available compared with 0.99 percent of people with MI and I/DD in in-person testing).
- *Less likely to be invited to contact the housing provider* (7.69 percent of people without disabilities were invited to contact the housing provider to see the unit compared with 0.00 percent of people with MI and I/DD in e-mail testing).
- *Less likely to be invited to inspect the available unit* (21.26 percent of people without disabilities were invited to inspect the unit compared with 16.47 percent of people with MI and I/DD in telephone testing).
- *More likely to be encouraged to look at a different unit than the one advertised* in telephone testing, a potential indicator of steering people with MI and I/DD toward specific buildings or areas within rental complexes, resulting in segregated living patterns.
- *Treated adversely at disparate rates depending on disability type*, with higher rates of adverse treatment found for individuals with MI than for individuals with I/DD. This finding may indicate that individuals with MI face more negative stereotypes and stigma from rental housing providers.

In both e-mail and telephone testing, a significant percentage of individuals with MI and I/DD also experienced adverse treatment with respect to a request for a reasonable accommodation. The reasonable accommodations requested were identified as specific to the protected tester's functional needs, such as the use of an assistance animal to manage emotional and cognitive issues or the need for a verbal reminder from the landlord to pay the rent on time.

- *The willingness of a housing provider to grant a request for an accommodation varied by mode of testing*, with the rate of granting a request for a reasonable accommodation being significantly higher when the request was made by telephone (59.14 percent willing to accommodate; 40.86 percent not willing to accommodate) than by e-mail (15.38 percent willing to accommodate; 84.62 percent not willing to accommodate).¹
- *Regardless of testing mode, a significant percentage of people with MI and I/DD were given a negative response to their reasonable accommodation request*, ranging from outright denials to more subtle barriers, such as an indication that the individual with MD would be responsible for actively seeking out and appealing the denial of his or her request with higher-level managers whose name and contact information were then not provided.²

The research also found that many housing providers simply did not respond to housing inquiries but that the probability of a response increased based on the interpersonal nature of the interaction. For example, in-person inquiries received the highest rates of response, followed by telephone inquiries, with e-mail inquiries the most likely to be ignored.

Each of the three testing modes used (e-mail, telephone, and in person) yielded a different form of testing data that, when viewed together, not only produced evidence of discrimination but also showed promise for bringing testing to a national scale and provided insights on opportunities for future testing.

Finally, this study yielded significant findings on how to conduct testing with testers with MD. In-person testing specifically involving a person with MD demonstrated that people with MI and I/DD can serve as effective testers.³ The evidence from the

¹ In-person testing protocols did not include a request by the protected tester for a reasonable accommodation.

² In addition, testing results varied by metropolitan statistical area (MSA), with the rate of granting a reasonable accommodation request being lowest in the Chicago-Joliet-Naperville, IL-IN-WI MSA (38.6 percent), and highest in the Albuquerque, NM MSA (75.5 percent).

³ Contributing to these outcomes were training and support provided to the testers, the use of a companion tester, and the overall coordination of the testing by community-based disability rights organizations.

in-person testing suggests strongly that both populations could also do telephone testing if the same approach to training and debriefing is used.

Recommendations

These findings led the authors to make the following recommendations.

- *A broad-based education initiative* should be created to educate housing providers, including owners and their agents, about fair housing rights and obligations, including appropriate policies and practices when dealing with individuals with MI, I/DD, and other MD.
- Public and private housing, disability, and civil rights organizations should *redouble efforts to engage and educate*

the community of people with MI and I/DD about their rights under federal, state, and local antidiscrimination laws, how to recognize potential discrimination, and what actions to take when faced with discrimination.

- *Additional research* is necessary to better understand the scope and severity of the discriminatory barriers encountered by individuals with MI and I/DD as they seek, obtain, and retain accessible rental housing. Findings from this pilot study effort suggest that a national testing effort would be feasible.
- *Individuals with MI and I/DD can and should be an integral part* of future housing research and testing, housing discrimination education initiatives, and efforts to strengthen housing policy to promote equal housing opportunity.

Study Overview

Purpose and Goals of the Study

The existing research related to housing discrimination and its effect on individuals with mental disability (MD)⁴ is particularly limited; therefore, HUD launched this study with the goal of increasing the understanding of the experiences of individuals with MD as they seek rental housing.

The following research objectives identified by HUD guided this study.

- Develop and implement different testing methods and approaches, evaluating their strengths and weaknesses, to establish a series of protocols for conducting paired testing to determine and measure the degree to which people with MD experience discrimination in the search for rental housing.
- Conduct pilot testing using different testing procedures to develop protocols for generating reliable estimates of any difference in the treatment of people with MD during the process of searching for rental housing.
- Produce a qualitative and quantitative analysis of Title VIII Automated Paperless Office Tracking System (TEAPOTS) data.⁵
- Produce five short papers that expand the understanding in the field of housing discrimination on the basis of MD.⁶
- Short Paper 1: *Systematic Literature Review of Research on Discrimination in Rental Housing on the Basis of Mental Disabilities.*
- Short Paper 2: *Getting Into and Maintaining Housing in the Private Rental Market: Experiences of People With Mental Disabilities.*
- Short Paper 3: *The Potential for Discrimination in Rental Housing for People With Mental Disabilities Moving Out of Institutions to Community Living Under Olmstead.*
- Short Paper 4: *Accessible & Participatory Methods for Involving People With Mental Disabilities in Housing Discrimination Testing.*
- Short Paper 5: *Rental Housing Access & Discrimination Experienced by People With Multiple Disabilities.*

The purpose of this study was not to generate national estimates of housing discrimination on the basis of MD, but rather to pilot methods for conducting paired testing with this protected class with the goal of demonstrating a potentially feasible approach to future nationwide testing.

Additional short papers have been developed to inform researchers, practitioners, and consumers about the shape and scope of housing discrimination against people with MD. These papers focus on the following related topics.

Background and Previous Research on Housing Discrimination Against People With MD

The federal Fair Housing Act (FHA)⁷ prohibits discrimination in the sale, rental, and financing of housing and in other housing-related transactions, on the basis of seven protected classes: race, color, religion, national origin, sex, familial status, and disability. Housing providers are prohibited from considering these protected characteristics as the basis for rejecting or refusing to negotiate with individuals seeking housing or housing-related services and from misrepresenting or limiting housing opportunities based on any protected characteristic.

In addition to having the basic prohibitions of the FHA against housing discrimination for all protected classes, people with disabilities have three additional protections under the FHA: (1) multifamily housing with four or more units, built for first occupancy after March 13, 1991, must meet specific, if

⁴ *Mental disability* is defined as “(1) having a mental or psychological disorder or condition that limits a major life activity, including working; (2) any other mental or psychological disorder or condition that requires special education or related services; (3) having a record or history of a mental or psychological disorder or condition which is known to the employer or other entity covered by this part; or (4) being regarded or treated by the employer as having, or having had, any mental condition that makes achievement of a major life activity difficult” (*Foster v. City of Oakland*, 2009 U.S. Dist. LEXIS 70094).

⁵ TEAPOTS provides data records regarding filed discrimination complaints. The analysis of TEAPOTS data on housing complaints based on MD is documented in a separate report.

⁶ These papers have been published by HUD separately.

⁷ Title VIII of the Civil Rights Act of 1968 as amended in 1988, 24 U.S.C. §§ 3601, et seq.

relatively modest, accessibility requirements that allow for a person with disabilities to access and use both the housing units and associated public use and common use areas; (2) housing providers must make reasonable accommodations to their rules, policies, practices, and services necessary for people with disabilities to equally enjoy the property; and (3) housing providers must allow residents with disabilities, at the residents' expense, to make reasonable modifications to physical structures necessary in order for them to use and enjoy the property.

In addition, in 1999, the United States Supreme Court ruled in *Olmstead v. L.C.*, 527 U.S. 581, that unjustified segregation of people with disabilities constitutes discrimination in violation of Title II of the Americans with Disabilities Act.⁸ Although the beneficiaries of this ruling are all people with disabilities, the decision has had a particularly significant effect on individuals with MD living in restrictive and segregated settings, including nursing homes and institutions. As states seek to comply with the *Olmstead* ruling, people with MD are moving out of institutional settings in larger numbers and increasingly seeking housing in the private rental market.

Individuals with MD often face multiple challenges when they seek housing in the rental housing market. Challenges may include both economic barriers and stigma or suspicion on the part of housing providers that limits their access to diverse housing choices. Complaints based on disability make up the largest number of housing discrimination complaints filed with federal, state, and local fair housing agencies and with private fair housing groups (HUD, 2014a). In 2014, disability complaints made up 51.84 percent, or 14,271 of the total number of 27,528 fair housing complaints filed with HUD, its partner state and local agencies, and private fair housing enforcement organizations (NFHA, 2015).⁹ A significant portion of these complaints involves people with MD. For example, HUD (n.d., Table 1) noted that, in fiscal year 2010, fully 40 percent of the disability complaints involved MD, which includes people with psychiatric disability or mental illness (PD/MI) and intellectual or developmental disability (I/DD).

In the United States, the term “mental disability” includes a wide range of conditions. According to the U.S. Census Bureau’s Survey of Income and Program Participation, about

6.3 percent of the U.S. population in 2010, approximately 15.2 million people age 15 or older, had difficulty with cognitive, mental, or emotional functioning (Brault, 2012). This number includes people with both PD and I/DD. Using a broader definition and different methodology, however, the Substance Abuse and Mental Health Services Administration (SAMHSA) estimates a much larger number of people who have experienced some form of PD in a year: 44.5 million adults age 18 or older.¹⁰ This total comprises nearly 20 percent of the adult U.S. population. Of this total, about 10.4 million adults (4.6 percent) of U.S. population have severe MI (APA, 2000). Braddock et al. (2011) used a figure of 4.8 million for the population with I/DD.

Little is known about the forms of discrimination people with MD experience when searching for housing. According to NCD (2001), people with any disability are likely to encounter discrimination in three ways: (1) the housing is inaccessible, (2) the landlord assumes that renters with disabilities are unable to live independently, and/or (3) the housing staff are unwilling to modify rules and policies that exclude people with disabilities. For people with MD, access to housing also may be affected by histories of homelessness or incarceration, both of which can be potential sources of additional discrimination.

Overview of Testing Focused on Individuals With MD

Although fair housing testing related to the barriers faced by the disability community has been conducted in some metropolitan areas, research on housing discrimination against people with MD is particularly limited. Before this study, the most significant examination of the level and nature of this type of disability discrimination was published in a 2005 HUD Disability Discrimination Study report (DDS 2005; HUD, 2005).

DDS 2005 explored the development of methodologies in testing for housing discrimination on the basis of MD using a paired testing methodology previously used in testing for housing discrimination on the basis of race and ethnicity. DDS 2005 employed a handful of in-person tests by individuals with MD and telephone tests by testers without disabilities purportedly calling on behalf of individuals with MD.

⁸ The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101, et seq.

⁹ This percentage is an increase from 49.51 percent of all complaints submitted in 2013.

¹⁰ SAMHSA defines *mental illness* as the presence of mental, behavioral, or emotional disorder based on the diagnostic criteria in APA (2000).

Key findings of DDS 2005 exploratory testing included—

- It is feasible to conduct in-person testing, and people with MD can effectively serve as testers.
- It is challenging to recruit people with MD who can handle the role of a tester, and some individuals may need extra support and assistance.
- Tests in which the person with MD was accompanied by a “friend” without MD proved to be credible and effective but significantly raised the cost of testing.

- Testers with MD may be more effective if they conduct tests relatively infrequently, and it would be preferable to extend the testing over a relatively long period of time, unless a large pool of testers with MD could be recruited.

The pilot testing documented in this report sought to build on the key findings observed in DDS 2005.

Paired Testing Protocols and Field Management

Overview of Testing for Housing Discrimination

Testing is an investigative technique that serves as a powerful tool for directly observing differences in treatment in the practices of housing providers and their agents. Testers pose as individuals seeking housing, contacting housing providers in a variety of ways to inquire about housing opportunities. The origins of paired testing as a method of studying housing discrimination and identifying differential treatment lie in fair housing enforcement, in which testing is often used to identify individual housing providers who are violating housing discrimination laws.¹¹ When paired testing is applied to large, representative samples and implemented with rigorous controls using a quasi-experimental research design, it can provide reliable estimates of the differences in treatment among different populations and of the prevalence of discriminatory behavior toward different protected classes. Paired testing also can be used to identify discrimination by a specific provider that violates the FHA.

HUD has used testing as an investigative and research tool for more than 40 years to identify and document discriminatory housing practices.¹² HUD has funded a wide variety of testing-based initiatives, including four national studies using the methodology of matched-pair testing to measure the levels of housing discrimination based on race and ethnicity, and HUD has also funded national studies on discrimination against same-sex couples, families with children, people who are deaf, and people who use wheelchairs.¹³ For people with disabilities, testing can be used to identify instances of direct discrimination, to obtain evidence of unequal treatment, and

to determine whether reasonable modifications or accommodations are permitted to enable a person with a disability to fully enjoy living in the housing.

Strengths and Limitations of Paired Testing in Different Testing Methods

Testing can be conducted in a variety of configurations, depending on the issues being examined, but the most common and effective approach to observing differences in treatment based on a particular characteristic is matched-pair testing. In this type of testing, two testers are assigned profiles that make them similarly situated and qualified for the housing being tested, differing only in their membership in a protected class. The testers contact a housing provider and inquire about available housing. Matched-pair testing allows for the observation of housing providers' actions and statements and measures whether and how people are treated differently during the housing search process. The tester exhibiting the characteristic being tested (for example, a disability) is referred to as the *protected tester* and the tester without the characteristic in the pair is the *control tester*. The key to testing is to ensure pairs are well matched on all variables except the one variable or characteristic to be tested—this procedure ensures that test results are unambiguous. The matched characteristics of the tester pairs in this study included race, gender, age range, education, employment, household size, and income. The single variable that differed between matched testers was the existence or absence of a particular MD.¹⁴ To minimize the risk of detection by housing providers during testing, some of the characteristics assigned to a test pair were slightly enhanced to favor the protected tester.

¹¹ HUD has noted that: "Fair housing advocates have turned to testing as the most effective tool to investigate violations of fair housing law" (HUD, 2014b).

¹² Testing cannot capture all forms of housing discrimination. It is most effective at the early stages of the search for housing, including contacting providers to inquire about housing opportunities and visiting properties to view units and obtain information about the rental (or sales, lending, and insurance) process and associated costs. Testers generally have fictitious profiles, and testing rarely proceeds through the actual application stage. Testing also does not effectively capture issues found later in the housing process, such as decisions made based on submitted applications or how residents in a protected class are treated after they move in, such as maintenance or lease termination.

¹³ See HUD (2013a) and HUD (2015).

¹⁴ Because of the need to isolate the single variable of MD (either MI or I/DD) and the need to ensure that the profiles made the testers financially qualified for the housing, the testing protocols could not reflect the real life experience of many people with MD searching for rental housing, whose lives and characteristics are much more complex than the rigors of research testing would allow.

Overview of the Paired Testing Design and Process

This study included testing components in nine selected rental markets using matched-pair testing via e-mail, telephone, and in-person visits.¹⁵ The overall goals were to (1) enhance the understanding of the barriers faced by individuals with MD in their search for rental housing, (2) determine the type and nature of discrimination that might be encountered, (3) evaluate the utility of different approaches to paired testing when conducting research on housing discrimination on the basis of MD, and (4) assess the feasibility of employing individuals with MD as testers. The testing in this study was not designed to produce a national estimate of rental discrimination, but rather was designed to develop and evaluate the utility of different testing approaches and techniques for measuring housing discrimination among this particular protected class.

As shown in Table 1, the testing for this study took place over a 1 1/2-year period in 2013 and 2014. The timeframes for each mode of testing were staggered, with each new testing mode beginning with pretesting to confirm the effectiveness of that mode and to assess the need for any methodological adjustments. The testing protocols in this study built on the protocols established in previous studies; the e-mail testing protocols mirrored those used in a national e-mail testing study of same-sex couples, and the telephone testing and in-person testing protocols mirrored those established in the

DDS 2005 study, which conducted a small number of exploratory telephone and in-person tests based on MD employing some individuals with MD as protected testers.

The e-mail and telephone testing in this study was conducted from a central location in Philadelphia, Pennsylvania. The in-person testing was performed by local testing organizations in two markets: Access Living in the Chicago-Joliet-Naperville, IL-IN-WI Metropolitan Statistical Area (MSA; hereafter, Chicago) and The Equal Rights Center in the Washington-Arlington-Alexandria, DC-VA-MD-WV MSA (hereafter, Washington, D.C.). These testing organizations recruited, trained, and managed the in-person testing in the field with support and supervision from the study team.

Pretesting

Before beginning the pilot testing, pretests were conducted for each testing mode (e-mail, telephone, and in-person testing). The purpose of the pretesting was to ensure that (1) data collection protocols and strategies were designed correctly; (2) testers were trained to execute the tests appropriately; (3) administrative procedures were effective; (4) the data entry, coding, and interpretation process accurately captured the experiences of testers; and (5) feedback was produced quickly, without detection, so as to permit adjustments in the testing protocols.

Table 1. Testing Timeline

	2013		2014			
	3rd Q	4th Q	1st Q	2nd Q	3rd Q	4th Q
Testing						
E-mail						
Pretest						
Pilot testing						
Washington, D.C. ^a /Chicago ^b						
Remaining markets/RA request						
Telephone						
Pretest						
Pilot testing Washington, D.C. ^a /Chicago ^b						
Pilot testing remaining markets						
In person						
Pretest						
Pilot testing						

RA = reasonable accommodation.

^a Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area.

^b Chicago-Joliet-Naperville, IL-IN-WI Metropolitan Statistical Area.

¹⁵ The rental markets tested were in the following metropolitan statistical areas (MSAs): the Albuquerque, NM; Chicago-Joliet-Naperville, IL-IN-WI; Cincinnati-Middletown, OH-KY-IN; Fresno, CA; Harrisburg-Carlisle, PA; Nashville-Davidson--Murfreesboro--Franklin, TN; New Haven-Milford, CT; Syracuse, NY; and Washington-Arlington-Alexandria, DC-VA-MD-WV MSAs.

Focus group input and a review of relevant literature provided information about how people with MD engage in the housing search process and identified unique factors affecting their housing search. Information from national and local disability groups in Washington, D.C., and Chicago helped to identify the different sources used to locate housing units available for rent. These organizations also assisted in providing testers with consistent, realistic, and believable identities and backgrounds. In person testers with MD portrayed their own disability and additional characteristics consistent with the tester profile provided by the study team.

Testing protocols were designed so as to create identities that clearly disclosed the protected tester's MD by incorporating supporting information such as previous hospitalization or institutionalization and affiliation with relevant community support agencies to ensure that the presence of MD was unambiguously communicated to the housing provider. This background information was also used to provide testers with ready answers to the typical types of questions asked by rental agents, such as, "Why are you looking at this property?" and "Where do you work?"

E-mail Testing Protocols

The e-mail testing did not use individuals serving as testers in the traditional sense. Replicating the protocols of HUD (2013a), the de facto "tester" was the text of each paired e-mail and not the individual sending the e-mails. Test administrators sent out all e-mails inquiring about advertised rental units and then reviewed and coded the responses. The text of the paired e-mails contained similar language asking about the housing unit for rent. The only difference between the two e-mails was that one e-mail stated the person making the inquiry had MD (either MI or I/DD). A total of 359 paired e-mail tests were administered, including 78 paired e-mail tests that incorporated a request for a reasonable accommodation in the e-mail of the protected tester.

E-mail Testing Script

A benefit of using e-mail for testing is that the message is completely controlled and consistent for the protected tester and the control tester in the pair. Moreover, an e-mail response from a housing provider gives verbatim statements to code and analyze in relation to the initial e-mail inquiry. For each e-mail test, the subject line (see Table 2) and the message were short and relatively neutral in tone, with standard information being requested.

Table 2. Subject Lines Assigned Randomly for All E-mail Tests

1.	One bedroom apartment
2.	Apartment for rent
3.	Unit for rent
4.	Craigslist - 1br apartment
5.	Craigslist Rental
6.	Unit availability
7.	Apartment posted on craigslist
8.	Craigslist apartment posting
9.	Inquiry about your apartment
10.	Saw your Craigslist Apartment ad
11.	In response to your Craigslist listing

A variety of e-mail "scripts" were developed to serve as the body of the message (see Table 3). In the body of the text, the protected tester discloses disability early in the text in one of the following direct manners.

MI—"I have a mental health issue."

I/DD—"I have a developmental disability."

Control—none.

The e-mail text also contained a secondary reveal by the protected tester, with a parallel addition by control testers, referring to their previous residence.

MI—psychiatric hospital ("I have been living in a psychiatric center for the past year").

I/DD—group home ("I have been living in a group home for the past year").

Control—dorm, parents, divorce ("I have been living with my parents, or just finished school and was living in a dorm, or just got divorced").

The "dual disclosure" text samples in table 3 include reveal of the disability plus the alternate living scenarios, which provided a sufficient number of options and ensured that the text samples were comparable.

Including both a statement about having a disability and a type of previous living arrangement was designed to provide clear and unambiguous evidence to a housing provider that the prospective tenant had MD. Disclosing the current housing situation of the protected tester is important because it not only signals that the person has a disability (a requirement for that living situation), but it also signals that the applicant does not have experience living in the private market, which can make the individual appear to be more of a risk to the housing provider. This same justification applies to the disclosure of the

Table 3. E-mail Tester Scripts

Protected Tester	Control Tester
Hello. I am interested in your 1 br. Apt. on <specify address>. Is it available? Is there a time I could come by and see it? I have a <disability identifier> and have been living in <alternate housing identifier> and am ready to get my own apartment. Thank you. <name>	Hi, my name is <name>, and I am very interested in your 1br apt located at <specify address>. I have been living in <alternate housing identifier>. Could you let me know if it is still available and when a convenient time to view it would be? Thank you. <name>
Hello. Your apartment (<specify location>) seems to be what I had in mind. Is it still available? I'd like to come by and view the apartment; could you contact me with an available time to do so? I have a <disability identifier> and I've been living in <alternate housing identifier> but I want to get my own apartment now. Thanks, <name>	Hello. I saw your 1 br apt ad on CL at <specify address>. My name is <name> and I am looking for a place that matches this description. I've been living in <alternate housing identifier> and I'm ready to get my own apartment. Is it available and, if so, can I see the unit? Thanks, <name>
Hello, I am writing in response to your listing for the 1 bedroom apartment located at <specify address>. Is it available? May I come and see it? I've been living in <alternate housing identifier> because I have a <disability identifier> and I'm ready to get my own apartment. Thank you for your time, <name>.	I saw your ad for a 1Br apartment on Craigslist located at <specify location>. Is this apartment still available? I would like to set a time to see it. Can you tell me what hours you would be available so we can schedule a visit? I'm looking forward to getting my own apt. I have been living in <alternate housing identifier>. I can be reached at this return email. Thanks, <name>
I saw your ad for a 1Br apartment on Craigslist located at <specify location>. Is this apartment still available? I would like to set a time to see it. Can you tell me what hours you would be available so we can schedule a visit? I'm looking forward to getting my own apt. I have been living in <alternate housing identifier> due to my <disability identifier>. I can be reached at this return email. Thanks, <name>	Hello, I am writing in response to your listing for the 1 bedroom apartment located at <specify address>. Is it available? May I come and see it? Let me know when would be a good time to come by. I've been living in <alternate housing identifier> and I'm ready to get my own apartment. Thank you for your time, <name>.
Hello. I saw your 1 br apt ad on CL at <specify address>. My name is <name> and I have a <disability identifier>. I am looking for a place that matches this description. I've been living in <alternate housing identifier> because I have a <disability identifier> and I'm ready to get my own apartment. Is it available and, if so, can I see the unit? Thanks, <name>	Hello. Your apartment (<specify location>) seems to be what I had in mind. Is it still available? I'd like to come by and view the apartment; could you contact me with an available time to do so? I have been living in <alternate housing identifier> but I want to get my own apartment now. Thanks, <name>
Hello, I would like set up a time to see the place you advertised on <specify the address>. I was wondering, is this apartment still available? Also, is there any particular time that works best for a showing? I have a <disability identifier> and have been living in <alternate housing identifier>. Please contact me for your most convenient time to view it. Best regards, <name>	Hi, I am writing in response to your listing for the 1 bedroom apartment located at <specify address>. Is it available? May I come and see it? I've been living in <alternate housing identifier> and I'm ready to get my own apartment. Thank you for your time, <name>.

current housing situation of the control tester, which is necessary for parity. The inclusion of phrases such as “I’m ready to get my own apartment” and “I’m excited about my own place” provides counterbalancing information that mirrors the profile of the protected tester and raises a similar first apartment concern for a housing provider.

In 78 of the paired e-mail tests, the protected tester included a request for a reasonable accommodation. Table 4 summarizes the different reasonable accommodation requests used in those additional tests. A request to have an assistance animal live at the test property was included because it is an increasingly

common request by people with MD, particularly for people with some forms of MD, and is also becoming a common source of fair housing complaints filed.¹⁶

The use of a request for a reminder of rent being due was an accommodation recommended by the study’s expert panel. It reflects a common housing-related concern for people with MD, especially because it may help a tenant keep his or her apartment. Before this study, little was known about how housing providers would actually respond to this type of request, which requires the housing provider to be actively engaged with the tenant on a regular basis.

¹⁶ HUD uses the term “assistance animals,” which includes emotional support animals. According to HUD’s notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs, an assistance animal “is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability” (HUD 2013b: 2).

Table 4. Reasonable Accommodation Request by Type of Disability

MI	I/DD
1. I have a support animal, a cat, which helps me cope with my chronic pain. Will that be okay?	I do have some trouble remembering things and I'd like to know if you can call me with a reminder that my rent is due a couple of days before it's due. Could you do that?
2. I have a companion dog named Bob. He makes it possible for me to go outside. He will need a grassy area by the apartment. Is there someplace he can use?	Could you call me with a reminder that my rent is due a few days before? Sometimes I have trouble remembering things and staying organized.
3. I have a therapeutic cat to help me deal with my illness. I want to make sure that's ok with you.	I can't always remember things. Could you come by or call me to remind me that my rent is due?
4. I have some memory problems. Could you call me with a reminder that my rent is due a couple of days before it's due?	My dog is my support animal and I want to make sure she can stay with me in this apartment.
5. I will need a reminder that my rent is due a couple of days before. Could you call or come by to remind me?	My dog provides emotional support for me and it's important that I can keep her in this apartment. Will that be okay?
6. I sometimes have trouble staying organized and remembering. Could you call or come by to remind me that the rent is due in a couple of days?	I have a cat as an emotional support and companion animal. I want to be sure it's ok with you for me to keep her.

I/DD = intellectual or developmental disability. MI = mental illness.

Training for E-mail Testing

In January 2014, project training was conducted for e-mail test administrators. All e-mail test administrators were rigorously trained to ensure a common understanding of the project's overall purpose, quality assurance responsibilities, and terms and definitions. Training topics included an introduction to the project, an overview of fair housing and discrimination testing, e-mail testing procedures, and a review of testing forms. Special emphasis was placed on the fact that test administrators were to be objective collectors of information. The confidential nature of all study and testing information was also emphasized with all study participants. This training conformed to standard survey research guidelines and replicated those from HUD (2013a).

E-mail test administrators also received technical training for e-mail generation and coding of e-mail responses. This training was critical to ensure team members' understanding of specific coding guidelines and requirements and ensure consistency and efficiency during the testing process. For the coding component of the e-mail testing, the training approach involved learning a process that could be effectively and consistently replicated across multiple test administrators. The same e-mail response was initially coded by the whole team. Any differences were discussed and resolved. As this coding was critical to the success of the project, this process continued for several days until test administrators were uniform in their coding of test e-mail responses.

Conducting the E-mail Testing and Quality Control

Sampling of the advertised rental units within markets used both automated and manual methods. An automated data-mining tool (the "scraper tool") was used to select and collect data from advertisements on craigslist in each study market. In addition to automated sampling, local newspapers and other materials featuring rental housing advertisements in the selected markets were sampled manually, with every seventh post selected. All ads were filtered using the preselected criteria including size of the unit, rental amount, and e-mail address. Ads that did not provide the necessary information, and those describing units set aside for low-income residents, seniors, or people with disabilities, were excluded from the sample. A more detailed description of the process for selecting advertised units for the overall study is provided in the Sampling Methods section.

After rental advertisements from each market were collected, postings from each rental market were placed in a database, and matched-pair e-mail testing commenced. During the data collection period (April through August 2014), rental advertisements were randomly assigned to matched pairs of e-mails from a person with MD and a person without MD.

Quality control (QC) was intrinsic to every level of the e-mail testing process. The procedures described in this section were used in identifying housing units and providers to be tested, in executing the tests, and in collecting test data to minimize the risk of detection by housing providers who might become involved in more than one mode of testing.

The scraper tool provided samples from internet-advertised rental units for the e-mail tests. QC mechanisms were embedded in the scraper tool to remove duplicates, and the test administrator was responsible for providing a final QC review of the pooled rental advertisements generated by the scraper. The test coordinator reviewed randomly selected entries and noted any exceptions to the protocols, which were logged in an exception file so the same decision rules could be applied to subsequent exceptions. For example, if the scraper tool picked up an apartment listing that was actually part of a single-family home, this listing was removed from the sample and logged so that the same protocol would be followed for all future instances.

For each e-mail test, the e-mail text, subject lines, and tester names were designed to appear as natural housing inquiries. The tests were also matched at the semantic level, so that level of interest, length of e-mail text, and word choice were all similar. Thus, in all aspects, except for the disability of the hypothetical individual who sent the housing inquiry e-mail, the paired e-mail tests were matched.

The order of which e-mail was sent first, either the control or protected tester's e-mail, was randomized to address the potential effect on the test outcome of the order in which the inquiry was received by the housing provider. The counterbalance device used was a Microsoft Access table, which was created to randomly select the order in which the control or protected e-mails were sent. Microsoft Access forms were used to schedule and generate the outgoing e-mails, ensuring consistency in timing of outgoing e-mails. Both parts of each pair of e-mails were sent to the selected housing provider within a 2-hour window. All outgoing e-mails were saved to a computer server and linked to the Access database so that accuracy could be confirmed.

Test administrators used a sample generation form to compose e-mails. The scraper tool filled in most of the required fields of the form. Required fields were checked for accuracy by the test administrator, and any fields found to be missing were completed based on the original advertisement. All the samples for e-mail testing were created within 48 hours of the posting of the advertisement. After e-mails were generated based on the sample generation form, test administrators confirmed that the e-mail addresses were correct, the e-mail subject lines and text were different between the e-mails, the e-mail addresses and sender names matched, and the "when to send" fields were logical.

The ordering of paired tests was randomly assigned, and both e-mails within a given pair were sent within 2 hours by an automatic scheduler. The test coordinator tracked outgoing

inquiries from, and incoming responses to, the test e-mail accounts daily, and the tracking lists were compared against—

- The number of outgoing and incoming e-mails saved to the server.
- The number of e-mails coded for each entry in the tester-level table.
- Access-generated e-mail contents for randomly selected entries.

Only one inquiry was sent to each advertised property, and there was no followup if a housing provider did not respond to an e-mail. Tests remained open throughout the entire testing period, although most responses (90.1 percent) occurred within 2 days of the original e-mail. If a response from the advertised property was received, testers did not send a return e-mail. For cases in which a test e-mail received multiple responses from the same advertised property, all were coded in the Access database.

The Microsoft Access program used for coding input was custom designed to ensure complete, accurate, and high-quality data. For example, acceptable ranges for responses were pre-programmed to help prevent data entry error. In addition, the possibility of incomplete or missing data was prevented by not allowing a coder to proceed to the next field or screen until all fields were complete. During the actual testing phase, data were examined daily and validation was performed on 20 percent of each test administrator's work using double-entry coding to respondents' e-mails to verify responses before inclusion in the final datasheet and before being signed off by the test coordinator. All tests underwent rigorous review by the study team to help ensure high quality, consistency, completeness, accuracy, clarity, and usability.

Telephone Testing Protocols

As in the MD exploratory testing of DDS 2005, the telephone tests in this study were conducted by people without MD purportedly calling on behalf of someone with MD. Given the large number of telephone tests to be conducted over a relatively short period of time and the challenges of recruiting, training, and supporting testers with MD noted in DDS 2005, practical considerations and concern for the burden on the testers with MD led to the decision to use proxy testers who did not have MD for the telephone testing in this study. Therefore, the telephone testing process involved the recruitment and training of people without disabilities to serve either as the control tester or as the protected tester in the role of a proxy calling on behalf of a relative or friend with MI or I/DD.

After the pretesting, it was determined that the telephone testing would also include a request for a reasonable accommodation related to the stated disability on behalf of the person with MD. The two reasonable accommodation requests used were either (1) a request that the housing provider give the tenant a reminder to pay rent or (2) a request that the tenant be allowed to have an assistance animal in the unit.¹⁷ One of the two accommodation requests was made for each MI or I/DD telephone test. One-half of the testers for each group requested one of the two accommodations. Reasonable accommodation requests were included in all telephone test profiles and tester instructions. Reasonable accommodation requests were to be made after the information regarding availability and the rental unit was obtained, and thus requests were actually made in 629 of the 668 telephone tests conducted, because in 39 of the tests, the conversation with the provider ended before reaching the accommodation request.

Procedures and Scripts for Tester Telephone Calls

The order of telephone calls to the housing provider by the protected tester and the control tester was randomized, and the call placements occurred no less than 1 hour and no more than 4 hours apart. The timing strategy was designed to increase the likelihood of speaking with the same housing provider or agent and to minimize the possibility of an incomplete test because the unit was rented between the paired calls.

Proxy Relationships

The telephone testing protocol originally included the use of proxies calling on behalf of both the control and protected testers. During the telephone exploratory testing, however, it was determined that use of a proxy for both testers within the

short timeframe created an unacceptable risk of detection by housing providers, and thus the proxy caller for control testers was dropped and the control testers called on their own behalf.

The tester calling as the proxy for the person with MD posed as a friend or family member (and not a mental health professional or case manager) of the potential renter. Protected proxies expressly stated that they were calling for a person with MD (“My friend/sibling has a mental health disability or illness” for MI or “has a developmental disability” for I/DD).¹⁸

As with e-mail tests, the disclosure of the protected tester’s disability occurred early in the communication and was designed to be unambiguous. Table 5 includes the text of the telephone testing scripts used by the proxy tester to disclose disability. The profiles for both the protected proxy and the control tester included that neither potential renter was currently living in his or her own rental unit. The proxy caller for the individual with MD was instructed to state that the person with MD had been living in a psychiatric center for the past year (MI) or had been living in a group home in the community for the past year (I/DD). The control tester was instructed to state that he or she was returning from school or relocating to the area.

Reveal of Disability

Although the proxy for the protected tester disclosed the MD to the housing provider very clearly and early in the conversation, the proxy was instructed not to provide a specific diagnosis (for example, schizophrenia). Instead, any elaboration if requested would be provided in the form of information on functional aspects of the disability using common descriptions provided by the focus groups and identified in the literature review (for example, has emotional issues, difficulty remembering or organizing, or needs help with taking care of self or managing payments).

Table 5. Telephone Tester Scripts

Control Tester	Protected Tester
My name is <first name> and I’m calling about the apartment. I’ve been in school and I’m looking for my first place.	I’m <first name>. My <brother/sister> has a <disability identifier>. He/she has been living in <alternate housing identifier> and I’m helping him/her look for an apartment.
I’m <first name>. I just moved to town and I’m looking for my first apartment.	My name is <first name>. My friend has a <disability identifier> and has been living in <alternate housing identifier> and I’m helping him/her look for an apartment.

¹⁷ In the pretesting, one of the reasonable requests used was for an additional key for a caregiver, but this request was determined to be too “soft;” that is, no housing provider objected to providing an additional key, and their consideration of the key request seemed unrelated to the issue of MD—anyone who wanted an additional key could get one. This accommodation request was then changed for the pilot testing to a request that the housing provider give the tenant a reminder to pay rent.

¹⁸ The decision to have the proxy be a friend or family member, as opposed to a mental health professional or a case manager, was based on previous research that identified a set of concerns or assumptions that might be triggered by a call from a mental health professional or case manager (for example, severity of disability, need for active treatment, or anticipation of need for significant accommodations).

Examples of functional aspects that were evaluated in the pilot test included—

- Goes to “X” for mental health treatment/services/support (MI); or receives I/DD services in the community from “X.” Control proxies said nothing about this issue.
- Requires assistance to cognitively or emotionally manage or experiences difficulty with remembering or emotionally managing; has someone who comes in 2 days a week to help take care of him or her and the apartment (MI and I/DD); only if asked by the landlord, additional details may include that the person helps with paying bills, managing money, cooking, and laundry. Control proxies said nothing about this issue.

Statements about the functional aspects of the disability did not request or require any action on the part of the housing providers and, more importantly, were designed not to be confused or conflated with a request for a reasonable accommodation.

Reasonable Accommodation Requests

Any request for a reasonable accommodation was made at the end of the telephone call after all other information for the test had been collected. The intent of the design was to provide a second level of analysis related to the reasonable accommodation request. As with the e-mail testing, reasonable accommodation requests were designed to reflect the types of accommodations commonly requested by people with MD as part of the search for rental housing. Reasonable accommodation requests specifically avoided issues of “source of income” or poverty that could introduce other variables into the test. The accommodations sought in this test were—

- Need for an assistance animal and a waiver of any associated fees.
- Request for a reminder from the housing provider by telephone or in person to the person with the MD that rent was due, as they have difficulty remembering.

Telephone Tester Recruitment

Recruitment of telephone tester candidates began in late November 2013. Local fair housing advocacy organizations and social work departments at universities in the tristate area of Delaware, New Jersey, and Pennsylvania were contacted, and recommendations for tester candidates were solicited. The recruitment goal was to have both male and female African-American and Caucasian matched pairs of testers participate in training and testing.

All candidates were administered a telephone screening by the test coordinator. This screening was followed by an in-person interview during which the candidates’ voices were recorded. The purpose of the recordings was to identify and screen out candidates with discernible regional accents or other vocal idiosyncrasies that might contribute to bias.

A review of testing background and experience level of each candidate informed the preliminary decision on tester suitability. Demographic information, which was used to determine tester pairings, was provided by every candidate. The final decisions on tester pairings—that is, which of the two testers in a pair would assume the control and the protected-class roles and who would be paired with whom—were based on the race, age, gender, and experience levels of each tester and were made by the project’s subject matter experts (SMEs) and the test coordinator. As a result of these screening efforts, the initial training class consisted entirely of experienced fair housing testers, all of whom had previously conducted telephone testing.

Training for Telephone Testers

Classroom and practical training were conducted in late January 2014, over a 2-day period in Philadelphia. The first day of training consisted of a classroom orientation that covered a variety of topics, including—

- A history of housing discrimination testing.
- Types of discriminatory housing practices.
- The process of fair housing testing.
- The strategic goals of the project.
- The telephone testing data collection process.
- Tester instructions and guidelines.
- Review of tester forms.
- Completion of testing assignments.
- Narrative writing.
- QC practices.

Practical training was conducted on the second day of training in the call center where the telephone testing would be implemented. Testers were given hands-on instruction on the use of tester assignment and test report forms and were instructed on how to use the data repository computer application to store test result data. The training also included instruction on call center telephone use and inbound voicemail access procedures. Each trainee made practice test calls to SMEs on site and at remote locations using carefully constructed tester profiles. Trainees received immediate feedback from the test coordinator, SMEs, or both after each call.

Supplemental and Review Training

At times during the 9-month exploratory and pilot testing period, additional telephone testers were trained to maintain the demographic consistency of available testing pairs. Additional Caucasian male and female paired teams were added after data collection had begun. Supplemental trainings were led by the test coordinator and included practice telephone tests to offsite SMEs and hands-on telephone and computer training.

At the midpoint of the data collection period, SMEs conducted a second classroom training session for all testers, during which critical testing protocols and QC procedures were reviewed and emphasized.¹⁹ This 1-day mandatory training was conducted at the training facility for all telephone testers.

Conducting Telephone Pilot Testing and Quality Control Procedures

Telephone tests were not conducted by individuals with MD, but instead relied on a proxy design. Proxies posed as a friend or family member seeking rental housing on behalf of an individual with MD. Control testers contacted the housing provider on their own behalf. Proxies calling on behalf of an individual with MD were provided detailed background information on the profile of the person on whose behalf they were calling. Control testers were provided similar background information for testing purposes. As in all matched-pair testing, the profiles of the individuals whose treatment is to be compared (here, the people on whose behalf the proxies were calling) were matched to the control tester on all relevant characteristics except the variable being tested—the presence of MD. Thus, paired potential renters' profiles were of the same gender and race and assigned personal and financial characteristics that were as similar as possible, such as approximate move-in date, desired rent range, credit score, current employment, and income level. To avoid detection by housing providers as a result of two testers representing individuals with identical characteristics, the profiles of potential renters with disabilities showed them to be slightly more qualified for the housing—for example, having a higher income level or credit score—than the paired potential renter without a disability. In addition, to avoid bias caused by the proxies, proxies were of the same gender, race, and approximate age as control testers.

Telephone tests were designed so that the proxy was to reveal the protected potential renter's MD to the housing provider at the beginning of the conversation using a direct reveal of the disability and a description of functional needs without providing an actual diagnosis.²⁰ The type of functional issues identified matched the designated disability group (MI or I/DD).

All telephone testers were briefed on the nature of the QC procedures instituted for this study. Some QC processes were embedded in the selection of rental housing assignments and test order. For example, the order of the calls within each telephone test (control call made first or protected call made first) was randomized to address any potential influence on test outcomes.

Rental housing assignments in the various markets were automatically screened via data-mining tools using criteria such as rent range, market location, and property owner or agent uniqueness. The test assignment forms were automatically populated with information from this data-mining process, then printed and provided to each pair of proxies and testers. Testers reviewed the test assignment forms and made telephone calls based on a randomized order. The second telephone call in each test was made within 1 to 4 hours after the initial test call to reduce the chance of detection but to increase the likelihood of speaking to the same property owner or agent.

QC procedures also were in place at the tester level. Proxies and testers were trained that, after the completion of each telephone engagement with a property owner or agent and before the completion of a test narrative, the tester would be debriefed by the onsite test coordinator and test details would be discussed. Only after this debriefing would the proxy or tester complete the test narrative and enter the results from the telephone test form into the database.

Finally, all test forms and narratives for each paired test were sent to SMEs for review and approval. Only after this approval would a paired test be considered complete.

In-Person Testing Protocols

People with MD served exclusively as protected testers for the in-person testing in this study. For in-person tests, which had a smaller sample size and a longer execution period than other modes of testing, the testers with MD (both MI and I/DD) were

¹⁹ Although a variety of issues were covered in this training, the importance of the timing of the protected tester's identification of disability and the completion of the matched control test were particularly stressed.

²⁰ To compare the results of each paired test, it was essential that the housing provider unambiguously know from the beginning of the call that the protected potential renter had MD. The proxies clearly and directly stated to the housing provider at the start of the conversation that they were calling on behalf of someone with MD (MI or I/DD).

accompanied by someone without MD posing as a friend. This protocol of a companion accompanying the protected tester replicates what was adopted in the DDS 2005 for in-person testing. The protected tester-and-companion team approach provided support and assistance for the testers with disabilities to ensure that test protocols were followed and that reporting was complete and accurate.

Control testers were people without MD and were not accompanied. The tests were designed to reveal whether rental housing providers treated testers differently on the basis of MD. In each test, the protected tester's MD was revealed to the housing provider by the protected tester at the beginning of the visit to the property. In making this disclosure, the protected tester used a direct reveal and description of functional needs without providing an actual diagnosis. The disability identified was the same for all testers in each disability group (MI or I/DD). As in all matched-pair testing, the paired testers were matched as to all relevant characteristics except for the variable being tested—the MD. Paired testers were of the same gender and race and were assigned personal and financial characteristics designed to be as similar as possible, including, as described in more detail subsequently, unit size needed, potential move-in date, desired rent range, credit, current employment, and income level. To avoid detection by housing providers as a result of two testers having identical characteristics, protected tester profiles were slightly more qualified for the housing being sought; for example, having a slightly higher income level or length of employment.

Procedures and Scripts for In-Person Tests

Advance calls were made by test coordinators before each in-person visit to confirm that the housing unit remained available, the location, and office hours and to determine whether an appointment would be needed to see the unit. The need for appointments differed in the two cities, with nearly all Chicago properties requiring appointments but most of the Washington, D.C. properties not (allowing for the testers to “walk in” to visit the properties). Appointment contacts, if necessary, were made primarily by telephone calls within 3 days of the publication of the advertisement by the companion testers (for MI and I/DD testers) and by the control testers. Testers' companions did not reveal that they were looking for an apartment for someone else, and no disclosure of any disability was made during the call.

Test coordinators created test assignments based on the information in the rental advertisements and developed profiles for test assignments that matched the paired control and protected testers on their relevant personal and financial characteristics—for example, gender, race, approximate age, income, credit, financial resources, employment, household composition, and housing preferences such as the unit size, rent, and date needed—and included an assigned e-mail address and telephone number for each tester (which were monitored by the test coordinators). Assignment forms for protected testers included instructions on revealing their MD. All testers were seeking their first apartment and were financially qualified for the units they sought. The protected testers were either living in the community (in a group home or with family) or coming out of an institutional setting. Control testers had been living at home with family or away at school. To avoid identical characteristics that might lead to detection, protected testers' profiles made them slightly more qualified for the housing being sought; for example, having a slightly higher income level or length of employment. Test coordinators reviewed the assignment forms with testers before each test.

Protected testers were accompanied on property visits by companions who provided support to testers during data collection. For example, when testers forgot to ask a question of a property owner or agent, “got off track,” or “froze,” companion testers were able to naturally prompt the tester or provide a response. Companion testers also reassured testers and helped them feel less nervous when in a new area of their community. Companion testers also assisted by taking notes, organizing and remembering information, helping out when unanticipated situations arose, and in some cases providing transportation. Both testers and companions approved of this model, reporting that a companion's presence helped some testers feel less anxious because immediate support was available, that testers and companion testers complemented one another during data collection by offering different ideas, and that working as a pair made the experience more enjoyable.²¹ Testers and companion testers also noted that the presence of a companion may also have added credibility to the disclosure of a disability by testers.

Paired testers attempted to visit an assigned property on the same day, but always visited within 24 hours of each other. The order for whether the control or protected tester visited the property first was randomized, as previously described.

²¹ The study team thought it was important to ask testers in what situations they believed they needed assistance (for example, writing, reading, or having a quiet room in which to complete forms) and to be flexible in responding to testers' emergent needs. The need for support decreased over time as testers increased their skills and comfort. This support improved project efficiencies by better enabling a smaller group of testers to comfortably conduct multiple tests rather than having a larger pool of testers who might conduct only a single test.

Testers used protocols designed to allow for an assessment of differential treatment; for example, protected testers revealed their MD very early in the conversation, before information on the unit was obtained. During site visits, testers inquired about the advertised property and gathered information on the availability of the advertised unit or other similar units, addresses and unit numbers, rental amounts, the application process, fees, utilities, other terms and conditions, and amenities. Testers asked to see the unit advertised and were willing to see a model unit or other similar units. Testers were encouraged to take notes during their visits.

Immediately after each test, the testers notified the test coordinator that the test was completed, filled out the test report form, and wrote a narrative. Protected testers and their companions completed test reports and narratives together. Testers turned their reports into the test coordinator by midnight of the day of the test and the narrative within 24 hours. Test coordinators reviewed the completed test reports and narratives and debriefed each tester. Test results were entered into the testing database by the study team, and a weekly report of completed tests was produced to monitor progress. All documentation from in-person tests was reviewed and approved by a designated member of the testing QC team.

Tester Profile and Reveal Strategy

It was critical to the test design that protected testers reveal their disability at the beginning of the interaction so that the presence of their MD was known to the housing providers or

agents before information about the unit was discussed. To accomplish this reveal, protected testers were instructed to greet a housing provider or agent, identify themselves by first name, and state either “I have a developmental disability” or “I have a mental health disability.” Their companions were then introduced as someone who was helping them to find rental housing and specifically was tasked with remembering what questions to ask about the unit and helping to take notes about the apartment.²²

The protected testers were not to name their specific disability by providing a diagnosis or condition but were to reveal only the broad category of “developmental disability” or “mental health disability.” Test assignment forms provided each tester with information about how the disability affected the tester’s daily life (for example, difficulty remembering things or difficulty staying organized). This information was mentioned during the course of the test. See Table 6 for examples.

Test assignment forms also provided information about protected testers’ current housing situation (for example, living with family or in an institution, such as a nursing home or psychiatric facility), which was also revealed at some point during the test. Test assignment forms for control testers also included information about their current housing situation. Control testers were instructed to tell a housing provider or agent that this was their first apartment search because they had been living in the housing assigned in their profile (for example, with family or away at school).

Table 6. Examples of How MD May Affect Functional Aspects of Life and Maintenance of Housing

	Functional Aspects of MD	
	MI	I/DD
Affiliation with a community service provider	Goes to “X” for mental health treatment/services/support	Receives I/DD services in the community from “X”
Needs supports with housing-related management activities	(1) Requires assistance to help with organizing and keeping track of things. (2) Has difficulty with remembering. (3) Has someone who comes in 2 days a week to help take care of him or her and the apartment (both). Only if asked by the landlord, additional details may include that the person helps with paying bills, managing money, cooking, and laundry.	(1) Requires assistance to help with organizing and keeping track of things. (2) Has difficulty with remembering. (3) Has someone who comes in 2 days a week to help take care of him or her and the apartment (both). Only if asked by the landlord, additional details may include that the person helps with paying bills, managing money, cooking, and laundry.

I/DD = intellectual or developmental disability. MD = mental disability. MI = mental illness.

²² Pretesting was used to evaluate the manner in which the MD was conveyed to the housing provider and to highlight any detection issues that might arise either when setting up an appointment to visit a property or during the actual visit.

In-Person Tester Recruitment and Training

Test coordinators from community-based fair housing testing organizations in the two metropolitan areas selected for in-person testing, Access Living in Chicago and The Equal Rights Center in Washington, D.C., recruited potential testers from their existing tester pools (particularly for control testers with no disability) and from a variety of community groups and organizations in which people with MI and I/DD actively participated or from whom they received housing or community living services. These organizations' extensive contacts and continual networking with community groups and people with disabilities were essential to this effort and would be difficult for organizations not familiar with, and embedded within, disability communities to replicate. The use of these community-based testing organizations was a critical component of the project and a key to success in actively supporting people with I/DD and PD during the in-person testing.

To establish a pool of testers, test coordinators needed to allocate significant time to the tester recruitment process, initially recruiting about three times the number of testers needed and continuing to recruit and train additional testers during the actual testing period. For example, in some cases, most notably among potential testers with I/DD, availability and reliability were issues (for example, scheduling training, not showing up for scheduled training, the availability of reliable transportation, and the need to navigate new transportation routes without support). The lack of availability and reliability was particularly problematic given the need to coordinate the schedules of protected testers with companion testers for initial training, practice testing, and conducting each in-person test. Because of employment disparities among the populations, people with MD were found to be more available to work as testers, but the ability to recruit control testers was more challenging because of their higher employment rate.

Test coordinators communicated extensively with potential testers to determine whether the tester's abilities matched the testing and reporting responsibilities involved in the testing process, to assess whether candidates could complete the essential tasks required of a tester. In these interactions, test coordinators provided potential testers a candid and thorough description of the project and their expected role (including an emphasis on the responsibilities of being a tester versus other roles within the project), assessing how the potential tester

understood his or her role, and the potential tester's comfort with pretending to be searching for an apartment and disclosing his or her disability during the housing search process.

Test coordinators also noted the importance of identifying candidates who would be good companion testers. Strong rapport between a tester with disabilities and his or her companion was key to the tester's comfort and to the quality and efficiency of testing. This rapport was accomplished by creating opportunities throughout the project—from initial training, to during practice tests, and through the completion of all test assignments—for each protected tester and the assigned companion to get to know and become comfortable with each other. Test coordinators regularly monitored how these relationships progressed. If one member of a pair was not comfortable, pairs were rematched.

Separate training sessions were held for each of the three groups of testers—MI, I/DD (together with their companions), and control testers. Based on initial insights from multiple focus groups and discussions with the expert panel at the start of the project, training approaches were modified for each group to maximize their learning. For example, testers with I/DD had project information broken into smaller units, followed immediately by opportunities to practice a small skill, leading up to practicing a full test under controlled circumstances, and finally moving on to an actual practice test in the field. Testers with MI received initial information in one sitting and then practiced different scenarios.

The study team maintained flexibility in the tester training protocols, simplifying and limiting the quantity of background information and lecture for the MI and I/DD groups and focusing on role-play, practice exercises, and open discussions to enable the testers to gain a level of comfort with both the testing process and working with a companion.²³ For the MI and I/DD groups, training materials deemphasized complicated text, reduced the number of ideas presented at one time, and incorporated graphics, photos, and images to illustrate more abstract points such as civil rights.

Frequent breaks were provided during all training sessions to allow for testers to assimilate new information and experiences.

The training sessions also helped test coordinators in making final determinations about a potential tester's involvement in the actual in-person tests.

²³ Trainings included opportunities first for testers to observe testing skits performed by test coordinators and project staff, and then for testing pairs to actively engage in several different testing scenarios with role-play (moving from working in pairs with an assigned project staff member to role-play in front of the whole group and getting feedback afterward).

Conducting In-Person Pilot Testing and Quality Control Procedures

The in-person pilot testing was conducted in Chicago and Washington, D.C., from June to November 2014. Samples of available rental units were gathered from rental advertisement contact data extracted from online rental advertisements by the automated scraper tool and weekly random selections of approximately 20 to 25 rental property advertisements provided by the study team to the test coordinators in each city.

Overall Data Collection Oversight, Management, and Quality Control

For each mode of testing, testers received training and retraining as needed during the data collection period. During initial training, testers engaged in role-playing, using the actual testing protocols. This process facilitated learning and was the basis for the evaluation of tester capabilities and an assessment of whether additional training was needed. This process of evaluation continued throughout training, exploratory testing, and actual pilot testing.

E-mail Testing

The research team used a proprietary Microsoft Access program that was customized for this particular paired testing data

collection. Logic and other QC checks are imbedded in the program to facilitate a high level of accuracy when recording data. In addition, e-mail testers were assigned specific markets to facilitate familiarity with local address formats and to reduce errors.

Telephone Testing

Telephone testers were paired into teams, and the team configuration remained the same over the course of the testing, absent illness or other uncontrollable events. After the completion of each test, results were reviewed at least two times, once by the QC supervisor and a second time by senior testing experts. The reviews validated the tests, ensured protocols were followed, and confirmed that the information recorded was complete, clear, and unambiguous.

In-Person Testing

In-person tests were reviewed by the test coordinator within 24 hours of test completion. In addition, each paired test was reviewed by senior testing experts to ensure the complex testing protocols were followed and to confirm that the information recorded was complete, clear, and unambiguous.

In all testing modes, overall, QC was implemented with stringent reviews of protocol and processes throughout the data collection period.

Sampling Methods

Sampling Frame

The sampling frame for the paired testing in this project was designed with the goal of completing 1,000 matched-pair tests: 500 matched-pair tests to assess discrimination against people with MI and 500 matched-pair tests to assess discrimination against people with I/DD (Table 7). An additional 100 paired tests were to be conducted by e-mail specifically to assess the willingness of housing providers to make reasonable accommodations for people with the two identified categories of MD.

Table 8 summarizes the sampling frame for the project and how the 1,000 matched-pair tests were allocated among the three selected rental market strata—medium-sized markets (population of 500,000 to 1,250,000), large-sized markets (population of 1,250,000 to 2,500,000), and very large-sized

markets (population of 2,500,000 or more). As noted, tests in all markets were equally divided between those focused on individuals with MI and those with I/DD.

To avoid issues of detection, small markets with populations less than 500,000 were excluded from all pilot testing. Telephone and e-mail testing were conducted in all three market size types, whereas in-person testing was conducted only in the very large markets.

Allocation of Tests Across Market Size

Test allocation was guided by market and population characteristics. As shown in Table 9, the number of test markets selected within each stratum for the pilot testing mirrors the distribution of the population across metropolitan statistical

Table 7. Sampling Frame for People With MD, by Test Type

Matched-Pair Test Type	Total	MI	I/DD
E-mail	200	100	100
E-mail + reasonable accommodation	100	50	50
Telephone	600	300	300
In person	100	50	50
Total	1,000	500	500

I/DD = intellectual or developmental disability. MD = mental disability. MI = mental illness.

Table 8. Rental Market Sampling Frame

Matched-Pair Test Type	Total	Market Population Size		
		Medium (500,000 to 1,250,000) n = 4	Large (1,250,000 to 2,500,000) n = 2	Very Large (2,500,000 or more) n = 2
E-mail	300	20	40	240
Telephone	600	200	200	200
In person	100	0	0	100
Total	1,000	220	240	540

Table 9. Allocation of Tests Across Market Size

	Market Population Size			Total
	Medium (500,000 to 1,250,000)	Large (1,250,000 to 2,500,000)	Very Large (2,500,000 or more)	
U.S. distribution				
Percent of population	21	21	58	100
Percent of all markets	56	23	21	100
Pilot testing				
Number of markets	4	2	2	8 ^a
Percent of markets	50	25	25	100
Percent of paired tests	20	20	60	100

^a Although the plan was to test in four medium-sized markets, possible detection before the completion of data collection in one of the markets, New Haven-Milford, CT, caused the addition of Syracuse, NY. Thus, nine total markets were included in the final analysis.

Source of U.S. population and market distribution: 2010 American Community Survey, SF1, Table P1

areas (MSA) and micropolitan statistical areas based on 2010 American Community Survey (ACS) data. The percentage distribution of paired tests across strata similarly mirrors the population percentage distribution based on 2010 census data. For example, because approximately 20 percent of the U.S. population resides in markets with populations ranging from 0.5 to 1.25 million, 20 percent of the total number of paired tests was implemented across markets of this size.

Sample of Metropolitan Areas

Based on the sampling design and sample frame, the selection of markets and allocation of tests across markets were conducted in two stages: (1) identify and characterize the pool of potential markets for inclusion and (2) select the markets for testing.

Stage 1: Identifying and Characterizing Potential Markets

Using MSA population data, 374 MSAs were divided into four categories based on size—270 small-sized markets (population less than 500,000), 58 medium-sized markets (population of 500,000 to 1,250,000), 25 large-sized markets (population of 1,250,000 to 2,500,000), and 22 very large-sized markets (population of 2,500,000 or more).²⁴

To further differentiate these markets, the proportion of people with any disability and proportion of people with cognitive disabilities, based on the 2009–2011 ACS and the 2010 census, were considered.²⁵ These data were included to ensure

that each selected market contained a typical (within a range) proportion of people with MD and a sufficient population from which testers for in-person testing could be drawn. These data are summarized in Table 10.

Markets were also differentiated by whether the state had an *Olmstead* Plan, any active *Olmstead*-related lawsuits, or both²⁶ and by if the state received Centers for Medicare and Medicaid Services, or CMS, funds to transition people with MD out of institutions to the community via a Money Follows the Person grant. If the state met either of these conditions, markets were further differentiated by how many people had transitioned and whether the state had met its transition goals.²⁷ The presence and strength of state-level efforts to move individuals with disabilities from institutional settings to community-based settings was presumed to have an effect on rental markets by increasing awareness of the rights of people with disabilities under the Fair Housing Act and the Americans with Disabilities Act among both housing providers and prospective tenants, thus potentially affecting testing.

Stage 2: Selecting the Study Markets

This study used a purposive sampling approach to identify specific markets for testing based on population size and certain characteristics, as described previously. A purposive approach was used for several reasons.

- The selected markets had to reflect a proportion of people with MD that was typical (in other words, an unusually high or low percentage of people with disabilities should not reside in the market).

Table 10. Distribution of Population With Disabilities and Proportion With Cognitive Disabilities, 2009–2011

MSA Size	Number of MSAs	Proportion of Population With Disabilities (%)				Proportion of Population With Cognitive Disabilities (%)			
		Median	Average	Minimum	Maximum	Median	Average	Minimum	Maximum
Very large	22	9.6	10.2	7.8	13.6	30.5	31.1	20.8	48.2
Large	25	11.5	11.9	7.7	19.8	22.6	24.9	9.3	53.6
Medium	58	12.2	12.2	7.2	16.4	22.9	23.9	15.0	40.0

MSA = metropolitan statistical area.

Sources: 2009–11 American Community Survey; 2010 census

²⁴ To avoid issues of detection, the 270 small-sized markets were excluded from all pilot testing.

²⁵ The ACS and census count an individual as having a cognitive disability if he or she reported that, due to a physical, mental, or emotional condition, they had “serious difficulty concentrating, remembering, or making decisions.” The term “cognitive disabilities” is formally used within census data to be inclusive of the same categories as the term “mental disabilities” as used by HUD. It includes MI and I/DD. As the source of the data in Table 9 is from census data, the term cognitive disabilities is used. For all other purposes of this study, the term “mental disabilities” is used.

²⁶ This grouping includes any plan instituted as a result of a judgment or settlement, or any pending litigation, arising out of the U.S. Supreme Court’s ruling in *Olmstead v. L.C.*, 527 U.S. 581 (1999) (unjustified segregation of people with disabilities constitutes discrimination in violation of Title II of the Americans with Disabilities Act).

²⁷ Data for these measures were attained from Ng, Wong, and Harrington (2013), on *Olmstead* Plan and active lawsuits, and from Denny-Brown et al. (2011), on People transitioned as of June 2011 and 2010 Transition Goal achieved.

- The selected markets for in-person testing had to contain a sufficient population of people with MD from which testers could be drawn.
- The selected markets for in-person testing had to include local fair housing and enforcement agencies that had expertise in working with people with MD.
- To the extent possible, the research team sought to measure any effects of *Olmstead* on differential treatment of people with MD; thus, at least one market in a state that is implementing an *Olmstead* Plan was intentionally selected.

After applying these criteria to produce a pool of potential markets, the list was narrowed further by identifying those markets that represent a typical mix of people with disabilities relative to the rest of the population and specifically a typical mix of people with cognitive disabilities (as defined by ACS

and the census) as a proportion of all people with disabilities.²⁸ Using these data and the previously discussed criteria, the final market pool contained 17 medium and 7 large MSAs (see Table 11) based on those rates that fell approximately between the 25th and 75th percentiles for disability and cognitive disability.

These markets preliminarily selected were then discussed with the expert panel regarding any specific factors such as *Olmstead* implementation activities and disability-related fair housing litigation that might bias sample selection and results. The panel's feedback was taken into consideration in making the final market selections. As a final step, an analysis of secondary data on key characteristics relevant to the testing process of each market was conducted, including an assessment of the percentage of total housing that was available for rent, rental vacancy rates, and craigslist coverage of housing rentals.

Table 11. Pool of Possible Markets (MSAs) Based on Statistical Criteria for Inclusion

MSA	State-Level Data			
	Has an <i>Olmstead</i> Plan	Active Disability Lawsuits	People Transitioned as of June 2011	2010 Transition Goal Achieved
Large markets				
Cincinnati-Middletown, OH-KY-IN	Yes	Yes	1,139	Yes
Memphis, TN-MS-AR	No	No	NA	NA
Milwaukee-Waukesha-West Allis, WI	Yes	Yes	145	No
Nashville-Davidson--Murfreesboro--Franklin, TN	No	No	NA	NA
Providence-New Bedford-Fall River, RI-MA	No	No	NA	NA
Sacramento--Arden-Arcade--Roseville, CA	Yes	Yes	537	No
Virginia Beach-Norfolk-Newport News, VA-NC	No	No	269	Yes
Medium markets				
Albany-Schenectady-Troy, NY	Yes	Yes	370	Yes
Albuquerque, NM	No	No	NA	NA
Allentown-Bethlehem-Easton, PA-NJ	No	Yes	719	Yes
Bakersfield-Delano, CA	Yes	Yes	537	No
Baton Rouge, LA	No	No	164	No
Buffalo-Niagara Falls, NY	Yes	Yes	370	Yes
Cape Coral-Fort Myers, FL	No	Yes	NA	NA
Columbia, SC	No	No	NA	NA
Fresno, CA	Yes	Yes	537	No
Greenville-Mauldin-Easley, SC	No	No	NA	NA
Harrisburg-Carlisle, PA	No	Yes	719	Yes
Jackson, MS	Yes	Yes	NA	NA
New Haven-Milford, CT	Yes	Yes	561	Yes
New Orleans-Metairie-Kenner, LA	No	No	164	No
North Port-Bradenton-Sarasota, FL	No	Yes	NA	NA
Rochester, NY	Yes	Yes	370	Yes
Syracuse, NY	Yes	Yes	370	Yes

MSA = metropolitan statistical area. NA = data not reported or available for that MSA.

Source: Final Research Design & Data Collection Plan, approved September 13, 2013

²⁸ As shown in Table 10, the range of people with disabilities varies across the MSAs (the range is the difference between minimum and maximum values) and is much narrower than ranges observed in the distribution of people with cognitive disabilities within the group with disabilities. The data on cognitive disabilities from the ACS are imputed. The observed higher variability in the percentage of people with cognitive disabilities within the population with disabilities per market may be a result of how the imputation was done, or it may be representative of the true distribution.

The nine MSA markets selected for this project are identified in Table 12.²⁹

Table 13 shows the planned sample allocation of paired tests across the selected markets within each size category. Approximately 60 percent of the allocated matched-pair tests fall within the very large markets and 20 percent fall in each of the large- and medium-sized markets.

Selection of Advertised Units

Analysis of 2011 American Housing Survey (AHS) data reveals that most people who moved into a rental housing unit in the previous year reported they found their current apartment via word of mouth (34 percent), followed by a sign outside of a building (11 percent), craigslist (11 percent), and the large category of “other.”³⁰ For the purpose of this study, neither word of mouth nor signs on buildings were effective means for identifying the large numbers of available units necessary for paired testing. Housing providers also use multiple outlets to advertise their available units, however—especially in online markets, such as craigslist and other sources.

Table 12. Selected Markets by Size and *Olmstead* Status

<i>Olmstead</i> Status	Market (MSA) Size		
	Very Large	Large	Medium
Olmstead Plan or active <i>Olmstead</i> -related settlement	Chicago-Joliet-Naperville, IL-IN-WI	Cincinnati-Middletown, OH-KY-IN	Fresno, CA New Haven-Milford, CT Syracuse, NY
No <i>Olmstead</i> Plan	Washington-Arlington-Alexandria, DC-VA-MD-WV	Nashville-Davidson--Murfreesboro--Franklin, TN	Albuquerque, NM Harrisburg-Carlisle, PA

MSA = metropolitan statistical area.

Table 13. Sample Allocation Plan Across Communities and Test Types by Market Size

Matched-Pair Test Type	Very Large Markets (2,500,000 or more)				Large Markets (1,250,000 to 2,500,000)				Medium Markets (500,000 to 1,250,000)				Total				
	Chicago-Joliet-Naperville, IL-IN-WI		Washington-Arlington-Alexandria, DC-VA-MD-WV		Nashville-Davidson--Murfreesboro--Franklin, TN		Cincinnati-Middletown, OH-KY-IN		Albuquerque, NM		Fresno, CA			Harrisburg-Carlisle, PA		New Haven-Milford, CT/Syracuse, NY ^a	
	MI	I/DD	MI	I/DD	MI	I/DD	MI	I/DD	MI	I/DD	MI	I/DD		MI	I/DD	MI	I/DD
Matched-pair tests with reasonable accommodation request																	
E-mail	10	10	10	10	10	10	10	10	3	3	3	3	2	2	2	2	100
Telephone	50	50	50	50	50	50	50	50	25	25	25	25	25	25	25	25	600
Total	60	60	60	60	60	60	60	60	28	28	28	28	27	27	27	27	700
Matched-pair tests without reasonable accommodation request																	
E-mail	50	50	50	50	—	—	—	—	—	—	—	—	—	—	—	—	200
In person	25	25	25	25	—	—	—	—	—	—	—	—	—	—	—	—	100
Total	75	75	75	75	—	—	—	—	—	—	—	—	—	—	—	—	300
Total matched-pair tests																	
E-mail	60	60	60	60	10	10	10	10	3	3	3	3	2	2	2	2	300
Telephone	50	50	50	50	50	50	50	50	25	25	25	25	25	25	25	25	600
In person	25	25	25	25	—	—	—	—	—	—	—	—	—	—	—	—	100
Total	135	135	135	135	60	60	60	60	28	28	28	28	28	27	27	27	1,000

I/DD = intellectual or developmental disability. MI = mental illness.

^a Possible detection in one of the markets, the New Haven-Milford, CT Metropolitan Statistical Area (MSA), before the completion of data collection caused the addition of the Syracuse, NY MSA. Thus, nine total markets were included in the final analysis.

²⁹ The MSA selection process placed priority on including markets consistent with the expert panel’s criteria for sufficient Craigslist coverage, including markets with and without *Olmstead* provisions, and on accounting for the number of rental units and vacancy rates. The MSA selection process also considered geographic representation. Given the total number of markets included in the sampling frame and the need to delineate by *Olmstead* status for markets with sufficient Craigslist coverage, however, those factors took precedence over a perfect regional distribution of study markets.

³⁰ Note that, given the challenges of determining in the AHS if a person has a disability, these data were not further manipulated to produce cross-tabulations by disability. Also, the data include all people with disabilities, which means they include people with both physical disabilities and MD.

Therefore, the sample of units for possible testing was drawn primarily from craigslist. Print sources were also included as possible sources of rental advertising, particularly in markets where craigslist is not sufficient and local newspapers did not have an online presence for apartment rental listings to generate a sufficient sample.³¹

Basing their observations on the literature review and focus group feedback, the study team noted that people with MD use a variety of outlets to search for available rental housing, including mental health and social service agencies. The study team intentionally sampled from sources used by all renters, excluding any outlets that specifically help people with MD get into subsidized housing, that have access to a pool of landlords with whom the agency has an existing relationship, or both. These sources were excluded to obtain a neutral market sample of units that had not been prescreened to accept people with disabilities and that would therefore reflect the rental search experience in the general market.

Risk of Detection

A key concern when selecting properties to test was detection by housing providers that testing was under way in their market. For example, testing for discrimination against two subgroups (MI and I/DD) within the same market could increase the risk of detection if the same housing provider is contacted for each subgroup. Craigslist and local online newspaper apartment rental ads can likewise contain multiple advertisements from the same housing provider. For example, in housing markets where realty agencies list available rental units, such agencies can post multiple advertisements by multiple agents within the same company. If those agents received inquiries for different available rental units from testers using the same or similar profiles, they might have detected the testing, which could have, in turn, affected the results of the study.

One strategy to minimize the likelihood of detection by a housing provider during testing would have been to sample housing providers only once within each MSA. This strategy, however, would have resulted in a dramatic reduction in the pool of housing providers and testable properties, given that housing providers may have multiple sites within a market, use a management company or leasing agent that represents many properties, or both. Instead of adopting this strategy, other precautions to avoid detection were taken. These precautions included—

- Using software to track and filter out duplicate rental advertisements within a specified timeframe (for example, 3 weeks).
- Ensuring that no housing provider was tested more than once for the same type of MD.
- Lengthening the timeframe between tests if an advertised unit was selected for both MI and I/DD testing.
- Staggering the tests to ensure that the different modes of testing (e-mail, telephone, and in person) were conducted sequentially—e-mail first, then telephone, then in-person—with the e-mail and telephone testing in the Chicago and Washington, D.C. markets administered first, before the in-person testing in those markets began.

Sampling of Units

Sampling of the advertised rental units within MSAs was accomplished using two methods—one automated and the other manual.

Under the automated method, to streamline the sampling of advertised housing units, a data scraper tool was used to select and collect data from advertisements on craigslist in each study MSA. The tool filtered the advertisements using the preselected criteria in table 14, excluding advertisements that did not

Table 14. Criteria for Inclusion in/Exclusion From Unit Sample

Criteria for inclusion in unit sample
1. Proper unit size (studio, one bedroom, or two bedrooms). ^a
2. Rent within specified range.
3. Adequate provider contact information available, including— <ul style="list-style-type: none"> • Unit address (for in-person testing). • Telephone number (for telephone and in-person testing). • E-mail address (for e-mail testing).
Criteria for exclusion from unit sample
1. Housing restricted solely to seniors and/or people with disabilities (for example, single-site housing).
2. Rents outside specified range (highest and lowest 10% were thrown out, to exclude misplaced or misleading listings).
3. For in-person testing sample, recent (within 30 days) selection for e-mail or telephone testing.

^a Two-bedroom units, a unit size still credibly sought by an individual, were included because of a limited number of available one-bedroom units, especially for in-person tests.

³¹ A multipronged approach to marketing units is encouraged by various resources for rental housing providers. See, for example, Wagner (2008).

provide the rent or other pertinent information for each testing mode. Table 14 summarizes the criteria for inclusion and exclusion used in this sampling.

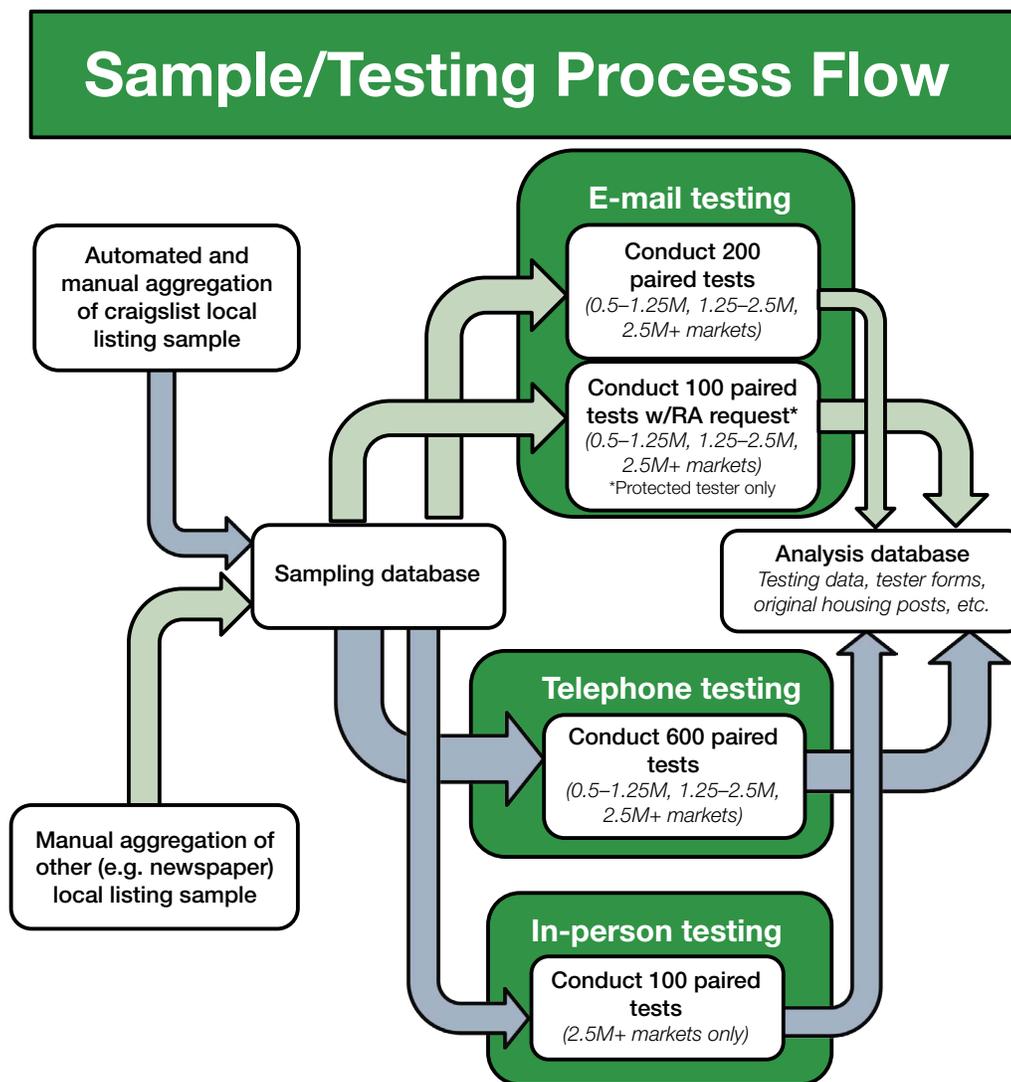
Under the manual sampling method, local newspapers and other materials featuring rental housing advertisements in the selected markets were sampled, with every 7seventh post selected. Filters analogous to those identified for the data scraper tool were also applied in the manual sampling process.

The automatically and manually mined advertisements were loaded daily into a Microsoft Access database. Data entry personnel then reviewed and removed any new advertisement that met one of the following three conditions: (1) included

data for a housing provider that was already in the database (phone number, address, agent/owner name, e-mail addresses, and so on), (2) referenced units that had already been included in the study sample, or (3) included contact information in the advertisement that matched any of the contact information for an advertisement that had been included in the study within the previous 3 weeks. Information on properties ultimately selected for testing were then provided weekly to test coordination teams for each MSA for assignment to testers.³²

Figure 1 illustrates the data collection process, from the identification of sample rental unit advertisements, through the testing, to the analysis of results.

Figure 1. Flow of Sample Selection and Testing Process



RA = reasonable accommodation.

³² This method of avoiding detection was successful in M. Davis and Company, Inc.'s most recent housing discrimination study (HUD, 2013a).

Analysis of Testing Findings

Summary of Tests Conducted

During the pilot testing period, 1,128 paired tests were administered. Paired testing was conducted using three different modes of testing protocols: e-mail, telephone, and in-person testing. Some subset of both telephone tests and e-mail tests included a request for a reasonable accommodation by the protected tester. Table 15 summarizes the distribution of tests by test mode.

Table 15. Total Tests Conducted by Test Mode

Test Mode	Tests
E-mail	359
(Subset of e-mail tests with a reasonable accommodation request)	(78)
Telephone	668
(Subset of telephone tests with a reasonable accommodation request)	(629)
In person	101
Total tests	1,128

E-mail Testing

Table 16 summarizes the number and distribution of e-mail tests administered for people with MI and people with I/DD across three distinct market sizes. Via e-mail, 359 matched-pair tests were administered, with approximately 73.54 percent of the tests conducted within the very large markets, 17.5 percent within the large markets, and the remaining 8.9 percent within the medium markets.

Figure 2 represents the response rates of the 359 paired e-mail tests that were conducted during the pilot testing.

Based on the existence, nature, and extent of response from housing providers, paired testing using an e-mail protocol enables researchers to observe two different levels of differential treatment. The first level of differential treatment that can be observed is the disparity between the number of tests for which the control tester received a response from the housing provider and the protected tester did not. The lack of a response to the protected tester when the control tester received a response is considered in measuring discrimination.

Figure 2. Response Rate of E-mail Paired Tests

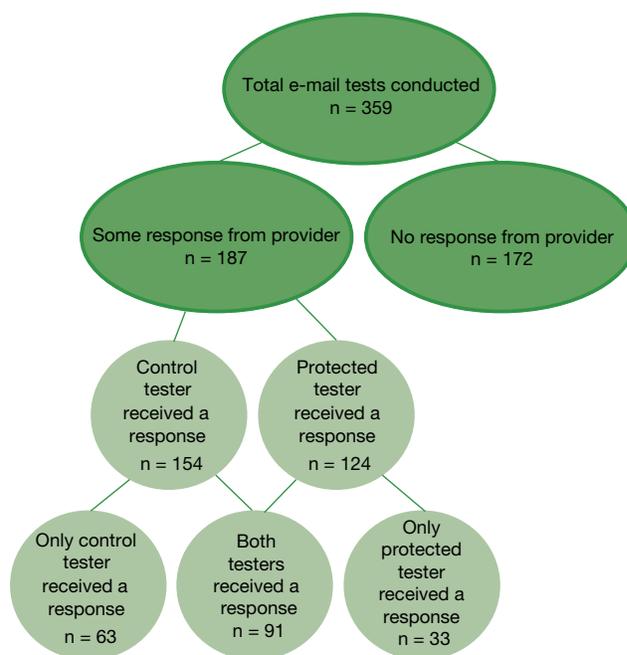


Table 16. E-mail Sample Allocation by Market Size

Matched-Pair Test Type	Market Size			Total
	Very Large (2,500,000 or More)	Large (1,250,000 to 2,500,000)	Medium (500,000 to 1,250,000)	
Matched-pair tests				
MI	120	15	8	143
I/DD	121	10	7	138
Total	241	25	15	281
Matched-pair tests with request for reasonable accommodation				
MI	13	19	8	40
I/DD	10	19	9	38
Total	23	38	17	78
Sum total	264	63	32	359

I/DD = intellectual or developmental disability. MI = mental illness.

The second level of differential treatment that can be observed is the difference in how the housing providers interact with the testers by tracking the incidence of positive treatment, such as stating whether the unit was available or inviting the potential renter to contact the housing provider. To be included in the second-level analysis for differential treatment, both members of the pair needed to receive an e-mail response within a given time period. In this study, in 91 paired e-mail tests, both testers in the pair received a response from the housing provider within the requisite timeframe. The outcomes observed in these pairs were used to measure different dimensions of discrimination against people with MD.

Telephone Testing

Table 17 summarizes the number and distribution of telephone tests conducted for people with MI and I/DD across three market sizes. Data are differentiated into three sets of tests: (1) the total number of all matched-pair tests with and without an accompanying reasonable accommodation request, (2) the number of matched-pair tests with an accompanying reasonable accommodation request, and (3) the number of matched-pair test without a reasonable accommodation request.

Of the 668 telephone tests conducted, the protected tester made a reasonable accommodation request in 629 (94.2 percent). Approximately 30.4 percent of the tests were conducted in the very large markets, 39.4 percent in the large markets, and the rest in the medium markets.

Table 17. Telephone Testing Allocation by Market Size

Matched-Pair Test Type	Market Size			Total
	Very Large (2,500,000 or More)	Large (1,250,000 to 2,500,000)	Medium (500,000 to 1,250,000)	
Total matched-pair tests				
MI	110	142	105	357
I/DD	92	121	98	311
Total	202	263	203	668
Matched-pair tests with reasonable accommodation requests				
MI	106	128	105	339
I/DD	88	108	94	290
Total	194	236	199	629
Matched-pair tests without reasonable accommodation requests				
MI	4	15	0	19
I/DD	4	12	4	20
Total	8	27	4	39

I/DD = intellectual or developmental disability. MI = mental illness.

In-Person Testing

Table 18 summarizes the number and distribution of in-person matched-pair tests, which were conducted only in the two very large markets. This mode of testing did not include a reasonable accommodation request.

Table 18. In-Person Sample Allocation by Location

Matched-Pair Test Type	Market		Total
	Chicago	Washington, D.C.	
MI	26	24	50
I/DD	26	25	51
Total	52	49	101

I/DD = intellectual or developmental disability. MI = mental illness.

The 101 tests completed exceeded the target goal. The distribution across disability types was virtually equal, with one extra test in the I/DD sample. The pairs were matched so that both testers within a pair had the same race and gender; however, the total tester pool was not evenly split across race or gender. Overall, the sample had more women than men for the MI tests and more men than women for the I/DD tests. MI testing pairs were also more likely to be African-American, and I/DD testing pairs were more likely to be Caucasian.

Measuring Differential Treatment

Results from the e-mail, telephone, and in-person tests were analyzed to determine whether the protected tester with MD was treated unfavorably relative to the control tester. This determination was based on information received by the testers during their interactions with the housing provider, which were characterized by the research team as either favorable or unfavorable. Previous studies of housing discrimination have

shown that housing providers can respond in various favorable or unfavorable manners to an applicant. In this study, the following indicators of favorable or unfavorable responses that testers could receive included—

- Whether testers received a response to their inquiry, for the first level of unfavorable treatment testing (e-mail testing mode).
- If testers were told the advertised unit or similar unit in the same building or development was available.
- How many available units testers were told about.
- If testers were invited to inspect the unit.
- If testers were advised to call the housing provider (e-mail only).
- Whether testers were asked to provide additional information regarding their qualifications as an applicant (that is, their credit score/income/employment).
- Whether testers were reminded about qualifications they must possess to rent the unit.
- Whether the unit was available and, if not, whether testers were given a reason for the unit not being available.

- If testers were given the same information on rents, security deposits, application fees, or other fees.
- If testers were given the same information on specials or incentives to rent.
- If testers were given the same information on amenities and services available.
- Whether testers were encouraged to look at a different unit owned by the same landlord (that is, “This unit actually isn’t available, but I have another unit in the same building you might be interested in”).
- Whether testers were referred to a different complex altogether.
- Whether the housing provider was willing to grant a reasonable accommodation (only when applicable).

Table 19 summarizes a treatment indicator matrix, showing the behavior observed in the testing that was assessed to determine how the outcomes data from all tests were analyzed by testing mode—e-mail, telephone, and in person. Although some indicators are shared by all three modes, each also has indicators unique to that mode. The data were broken out into four categories: (1) contact with housing providers, (2) availability, (3) tester engagement, and (4) reasonable accommodation, each of which are described in detail in Table 19.

Table 19. Differential Treatment Indicator Matrix (1 of 2)

Outcome Category	Outcome Subcategory	Test Modality		
		E-mail	Telephone	In Person
Contact with housing provider	Initial contact	Housing provider/agent responded	Able to speak to housing provider/agent	Able to meet with housing provider/agent
		Number of responses		Meeting with housing provider/agent in group or as individual
		Housing provider/agent requests contact information	Housing provider/agent requests contact information	Housing provider/agent requests contact information
	Timing	Amount of time between housing inquiry and first response		Amount of time between arrival and first greeting by housing provider/agent/staff
				Amount of time between arrival and meeting with housing provider/agent
				Duration of in-person test
Availability of housing unit	Original unit(s)	Advertised unit(s) available	Advertised unit(s) available	Advertised unit(s) available
		Number of units		Unit(s) within “desired housing request” available
				Number of units within “desired housing request”
	Other units	Additional available unit(s)	Additional available unit(s)	Unit(s) outside “desired housing request” available
		Number of units?	Number of units?	Number of units outside “desired housing request”
	Total units	Total number of available units	Total number of available units	Total number of available units
	Waiting list	Offered to be placed on waiting list	Offered to be placed on waiting list	Offered to be placed on waiting list

Table 19. Differential Treatment Indicator Matrix (2 of 2)

Outcome Category	Outcome Subcategory	Test Modality		
		E-mail	Telephone	In Person
Tester engagement	Unit selection method			Method(s) for selection of unit(s) to view
				Agent or tester selects unit(s) to view
	Details of discussed unit(s)	Address	Address	Address
		Apt. number	Apt. number	Apt. number
		Type	Type	Type
		Number of bedrooms	Number of bedrooms	Number of bedrooms
		Rent	Rent	Rent
		Security deposit	Security deposit	Security deposit
		Date of availability	Date of availability	Date of availability
		Fees	Fees	Fees
				Apartment shown
				Apartment condition ready for move in (assessed only for vacant units)
			Total number of shown apartments that meet tester needs	
	Information disclosed by agent/housing provider	Application mentioned	Application mentioned	Application mentioned
		Application offered	Application offered	Application offered
		Duration of application process	Duration of application process	Duration of application process
		Co-signer mentioned?	Co-signer mentioned?	Co-signer mentioned?
		Security deposit?	Security deposit?	Security deposit?
		Other fees	Other fees	Other fees
		Amenities	Amenities	Amenities
		Incentives	Incentives	Incentives
		Encouraging/discouraging remarks	Encouraging/discouraging remarks	Encouraging/discouraging remarks
		Disability comments	Disability comments	Disability comments
		Referred to alternative residence type	Referred to alternative residence type	Referred to alternative residence type
		Comments/questions on race, color, national origin, religion, sex, disability, children, age, marital status, source of income, or sexual orientation	Comments/questions on race, color, national origin, religion, sex, disability, children, age, marital status, source of income, or sexual orientation	Comments/questions on race, color, national origin, religion, sex, disability, children, age, marital status, source of income, or sexual orientation
		Future contact	Future contact	Future contact
	Unit location comments	Unit location comments	Unit location comments	
	Other qualifications			Escorted to apts
				Proof of citizenship prior to showing
		Require personal ID	Require personal ID	Require personal ID
		Housing provider/agent indicated applicant is “not qualified”	Housing provider/agent indicated applicant is “not qualified”	Housing provider/agent indicated applicant is “not qualified”
		References	References	References
		Credit check (as part of application)	Credit check (as part of application)	Credit check (as part of application)
Criminal background check		Criminal background check	Criminal background check	
Reasonable accommodation	Housing provider/agent responded to request?	Housing provider/agent responded to request?		

Data Analysis

Analysis of the responses of housing providers observed during the testing followed the approach used in the 2000 Housing Discrimination Study (HUD, 2002) and DDS 2005 studies, which assessed the extent to which one tester is consistently favored over the other in the treatment received from housing providers based on their inquiries. For example, tests are classified as “control tester favored” if the control tester received favorable treatment on at least one indicator of interest and the protected tester received no favorable treatment on the same indicator(s). Tests are conversely classified as “protected tester favored” if the protected tester received favorable treatment on at least one indicator of interest and the control tester received no favorable treatment on the same indicator(s).

Typical treatment indicators that have been tracked in past housing discrimination studies, including HUD (2013a), a paired e-mail testing study, include whether each tester (1) received a response, (2) in a pair received a response, (3) was told the unit was available, (4) was told to contact the provider, and (5) was invited to inspect the unit. In addition to tracking these five indicators, this study explored other indicators related to quality of applicant, costs, and encouragement using a validated qualitative approach to analyze e-mail data (see Appendix A, Qualitative Analyses and Findings on Overt and Subtle Discrimination Against People With Mental Disabilities by Different Testing Modes).

The testing conducted in this study estimates the incidence of discrimination by studying favorable and unfavorable outcomes for each test dimension. A favorable outcome represents a response in which the tester received an affirmative value on the test dimension, and an unfavorable outcome represents a response in which the tester received a negative value on the test dimension. Each test had four possible combinations of outcomes: (1) both the control and protected testers received favorable outcomes, (2) both testers received unfavorable outcomes, (3) only the control tester received a favorable outcome, or (4) only the protected tester received a favorable outcome. The relationships among the four combinations are summarized in Table 20.

Table 20. Possible Outcomes Matrix

Possible Outcomes	Protected	
	Favorable	Unfavorable
Control Favorable	(1) Both	(3) Control favored
Control Unfavorable	(4) MI or I/DD favored	(2) Both

I/DD = intellectual or developmental disability. MI = mental illness.

Discrimination is assumed when the proportion of tests that favors control testers is greater than the proportion that favors protected testers. The difference in the percentages between outcomes 3 and 4 represents the net difference in outcomes. The value of the net difference is what is assessed in the hypothesis test. The hypothesis is declared formally in the following equations.

$$H_0: \%_3 = \%_4 \text{ or } \%_3 - \%_4 = 0.$$

$$H_A: \%_3 > \%_4 \text{ or } \%_3 - \%_4 > 0.$$

Measuring Discrimination

In this study, discrimination was estimated separately by test mode (e-mail, telephone, and in person) for each disability group. The measure of discrimination is expressed as—

$$D = p_{10} - p_{01}.$$

In this expression, p_{10} is the proportion of pairs in which the control applicant receives a favorable outcome and the applicant with disabilities receives an unfavorable outcome, and p_{01} is the proportion of pairs in which the control applicant receives a negative outcome and the applicant with disabilities receives a positive outcome. The standard error of D is—

$$SE(D) = \frac{\sqrt{n_{10} + n_{01}}}{n} = \sqrt{\frac{p_{10} - p_{01}}{n}},$$

where n is the total number of pairs. Given that D is approximately normally distributed, we may compute confidence intervals using—

$$D \pm Z_c \frac{\sqrt{n_{10} + n_{01}}}{n} = D \pm Z_c \sqrt{\frac{p_{10} - p_{01}}{n}},$$

where Z_c is the appropriate critical value of the standard normal distribution.

The test statistic for McNemar’s Test is—

$$X^2 = \frac{(n_{10} - n_{01})^2}{n_{10} + n_{01}}.$$

In this expression, n_{10} is the number of pairs in which the control tester receives a favorable outcome and the protected tester receives an unfavorable outcome, and n_{01} is the number of pairs in which the control tester receives an unfavorable outcome and the protected tester receives a favorable outcome. Under the null hypothesis of no discrimination, with a sufficiently large number of discordant samples (n_{10} and n_{01}), the test statistic has an asymptotic chi-squared distribution with one degree of freedom. If either n_{10} or n_{01} is small ($n_{10} + n_{01} < 25$), then an exact binomial test can be used where n_{10} is compared to the binomial distribution

with size parameter $n = n_{10} + n_{01}$ and probability 0.5. The binomial exact p -value can be approximated with the following continuity-corrected version of McNemar's Test.

$$X_1^2 = \frac{(|n_{10} - n_{01}| - 1)^2}{n_{10} + n_{01}}.$$

The test statistic has an asymptotic chi-squared distribution with one degree of freedom. In this study, a one-tailed version of this test was done by dividing the two-tailed p -value from the chi-squared or exact binomial test by 2. The estimates of incidences of discrimination are provided at 99-, 95-, and 90-percent levels of significance by protected subclass (MI or I/DD).

Findings of Incidence of Discrimination

This section presents the data generated by the three testing modes (e-mail, telephone, and in person) and summarizes findings from the tests using the dimensions described in the previous section to determine the incidence of discrimination identified in each mode.

Data Reliability and Limitations

Each mode of testing is examined by different dimensions of discrimination. In cases for which the matched-pair sample size was sufficient, data were further cross-tabulated by (1) market size, (2) *Olmstead* status (that is, whether the pair was in a state with an *Olmstead* Plan or *Olmstead*-related litigation), (3) type of disability (MI or I/DD), (4) gender, and (5) race.³³

E-mail Testing Findings

The analysis of the e-mail tests focused on the differences in the responses of housing providers to people with MD (MI and I/DD samples combined = protected class) compared with people without disabilities (control) across the following indicators on two different levels.

1. Level 1 (applicable to administered tests in which both testers sent an e-mail in inquiry; n = 359).
 - Did each tester receive a response to his or her inquiry (favorable)?
2. Level 2 (applicable only to completed tests in which both testers received a response; n = 91).
 - Were both testers told the advertised unit is available (favorable)?
 - Were both testers invited to inspect the unit (favorable)?

- Was the unit available and, if not, were both testers given a reason for the unit not being available (favorable)?
- Were both testers advised to call the housing provider (favorable)?
- Were protected testers asked to provide additional information regarding their qualifications as an applicant (not favorable)?
- Were protected testers reminded about qualifications they must possess to rent the unit (not favorable)?
- Were protected testers encouraged to look at a different unit owned by the same landlord instead of the unit advertised (not favorable)?

The first step in the statistical analysis was to determine whether testers from the control group were more likely to receive a response to the initial inquiry than their matched protected testers. Figure 2 summarizes the number and distribution of e-mail responses versus nonresponses to the initial rental inquiries from testers both with and without MD. Of the 359 tests administered, only 91 tests (25 percent) resulted in responses to both testers in the pair, and, in 172 tests (48 percent), neither tester received a response. Thus, in 73 percent of the e-mail tests, the control and protected group received equal treatment.

Table 21 presents the results of this first level of analysis. As shown, people with MD (MI and I/DD combined) were significantly less likely to receive any response back to their rental inquiry via e-mail (17.55 percent of tests favored the control class compared with 9.19 percent that favored the protected class). The difference in these two percentages captures the *net measure* of preferential treatment given to the control testers

Table 21. Differential Treatment in Response Received for Renters With MD (I/DD+MI) Found in E-mail Testing

Test Dimension	Both Testers (%)	Neither Tester (%)	Control Tester Only (%)	Protected Tester Only (%)	Net Measure	p-Value	Sample Size (n)
Which tester(s) received a response to their e-mail?	25.35	47.91	17.55	9.19	8.36***	0.0011	359

I/DD = intellectual or developmental disability. MD = mental disability. MI = mental illness.

*** Significant at the .01 level.

³³ Throughout the Findings of Incidence of Discrimination section, in the event the sample size or matched-pair data available were not sufficient to yield conclusive statistical results, this limitation is documented and indicates the need for additional testing with larger sample sizes in the future.

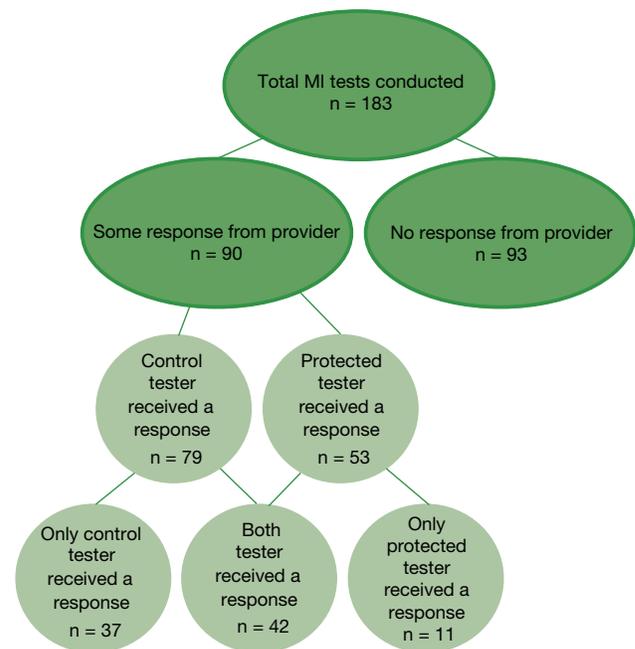
(8.36 percent).³⁴ This positive net measure (8.36 percent) suggests that people with MD (MI and I/DD combined) were significantly less likely to receive a response back to their rental inquiry and that a greater percentage of people in the control group were favored. Moreover, the resulting *p*-value indicates that the difference in treatment between control and protected classes is significant.

A second level of analysis considers several dimensions of the response to the different testers, and thus only those tests in which both testers within a pair received a response (n = 91, or 25 percent of the administered tests) can be included in the analysis. Table 22 demonstrates that of the 91 tests in which both the control tester and the paired protected tester received a reply, protected testers identifying as having MD were less likely to be forwarded to a housing provider to make an appointment or to see the unit (7.69 percent favored the control class compared with 0.00 percent that favored the protected class).

As described in the Sampling Methods section, the protected tester identified himself or herself as an individual with either MI or I/DD. Figure 3 represents the response rates of the 183 paired e-mail tests that were conducted by protected testers identifying as a person with MI.

Table 23 documents the results of the first level analysis to determine whether testers from the control group were more likely to receive a response to the initial inquiry than their matched protected tester. Of the 183 paired tests completed in which the protected testers revealed that they were people with MI (as opposed to I/DD), only 42 (22.95 percent) of the tests resulted in responses to both testers in the pair, and 93 (50.82 percent) of the tests resulted in no response to either tester.

Figure 3. Response Rates of E-mail Paired Tests for Protected Testers Identifying as a Person With MI



MI = mental illness.

Thus, in 74 percent of the e-mail tests for which the tester revealed MI, the control and protected groups received similar treatment. If the responses were different within test pairs, however, control testers were favored at a rate of 20.22 percent compared with only 6.01 percent for the protected testers. The resulting net measure of 14.21 percent and *p*-value of 0.0001 demonstrate that these differences are statistically significant.

Table 22. Summary of Differential Treatment of Renters With MD (I/DD+MI) Found in E-mail Testing

Test Dimension	Both Testers (%)	Neither Tester (%)	Control Tester Only (%)	Protected Tester Only (%)	Net Measure	<i>p</i> -Value	Sample Size (n)
Unit available	28.57	56.04	8.79	6.59	2.20	0.3953	91
Invited to inspect	72.94	11.76	7.06	8.24	- 1.18	0.5000	85 ^a
Given reason for unit not available	28.57	53.85	8.79	8.79	0.00	0.5000	91
Contact housing provider	41.76	50.55	7.69	0.00	7.69***	0.0078	91
Asked for additional qualification information	96.70	2.20	1.10	0.00	1.10	0.5000	91
Reminded about qualifications to rent	95.60	3.30	1.10	0.00	1.10	0.5000	91
Encouraged to look at different unit than one advertised	6.59	93.41	0.00	0.00	0.00	NA	91

I/DD = intellectual or developmental disability. MD = mental disability. MI = mental illness. NA = test statistics cannot be produced due to no observations in both discordant pairs.

*** Significant at the .01 level.

^a The sample size of 85 is due to the lack of response data for one of the pairs involved for this particular test dimension. The set of pairs without comparable responses cannot be used in the analysis.

³⁴ A positive net difference (control – protected net difference) means a greater percentage of people in the control class were favored, whereas a negative net difference would have meant a greater percentage of people in the protected class were favored. The *p*-value shows whether differences noted were significant and, if so, at what level.

Table 23. Differential Treatment in Response Received for Renters With MI Found in E-mail Testing

Test Dimension	Both Testers (%)	Neither Tester (%)	Control Tester Only (%)	Protected (MI) Tester Only (%)	Net Measure	p-Value	Sample Size (n)
Which tester(s) received a response to their e-mail?	22.95	50.82	20.22	6.01	14.21***	0.0001	183

MI = mental illness.

*** Significant at the .01 level.

Because only 42 completed tests received responses from the housing provider to both the control and the protected (MI) testers, subsequent indicators of favorable or unfavorable treatment could be analyzed using only these 42 tests. The results summarized in Table 24 of the second level analysis show that people with MI, when compared with the control tester, were less likely to be referred to the housing provider to actually see the unit or to make an appointment to do so.

When these same analyses were conducted on the set of completed tests in which protected testers identified themselves as people with I/DD rather than people with MI, no significant differences were observed between the treatment of the protected and control testers. This finding suggests potentially different treatment of people by diagnosis or type of MD.

Differences in treatment were also noted based on other factors. Despite small sample sizes, notable trends were shown in the following areas.

- **Size of market**—In the very large markets, people with MD were less likely to receive a reply to their inquiries and less likely to be forwarded to a housing provider to set up an appointment to see the advertised unit than in other size markets. This lower level of response in Chicago and Washington, D.C., was noted particularly with respect to people with MI.
- **Gender**—Both men and women with MI were less likely to receive a reply to their inquiries relative to paired control testers, but unfavorable findings were higher in

significance for men (significant at the .001 level for men compared with the .017 level for women). To the contrary, treatment differences based on gender were not found for testers identifying as having an I/DD.

- **Current living situation (whether the person was living in a community or institutional setting before the rental request)**—Overall, protected testers with MD were less likely to receive a reply to their e-mail inquiries than were control testers. Between the two different scenarios presented by the protected testers—either moving from an institutional setting (*Olmstead*) or moving from a family home or other community setting (*non-Olmstead*)—protected testers who indicated they were moving from an institutional setting were even less likely to receive a response to their request (significant at the .004 level for *Olmstead* versus the .090 level for *non-Olmstead*).

Reasonable Accommodation Requests via E-mail

Within the total pool of 359 attempted e-mail tests, 78 paired tests included a specific request from the protected tester for a reasonable accommodation (the control tester in the pair did not make a reasonable accommodation request). These reasonable accommodation requests, such as use of an assistance animal or the need for verbal reminders to pay rent at a certain time, were designed to relate directly to people with MD. Of the 78 housing providers who received e-mail inquiries that

Table 24. Summary of Differential Treatment of Renters With MI Found in E-mail Testing

Test Dimension	Both Testers (%)	Neither Tester (%)	Control Tester Only (%)	Protected (MI) Tester Only (%)	Net Measure	p-Value	Sample Size (n)
Unit available	21.43	61.90	9.52	7.14	2.38	0.5000	42
Invited to inspect	70.00	5.00	12.50	12.50	0.00	0.5000	40
Given reason for unit not available	21.43	59.52	9.52	9.52	0.00	0.5000	42
Contact housing provider	45.24	45.24	9.52	0.00	9.52*	0.0625	42
Asked for additional qualification information	100.00	0.00	0.00	0.00	0.00	NA	42
Reminded about qualifications to rent	95.24	4.76	0.00	0.00	0.00	NA	42
Encouraged to look at different unit than one advertised	4.76	95.24	0.00	0.00	0.00	NA	42

MI = mental illness. NA = test statistics cannot be produced due to no observations in both discordant pairs.

* Significant at the .10 level.

included a reasonable accommodation request, only 39 (50 percent) sent e-mail responses back to the protected testers. Of those housing providers who did respond, roughly 15 percent were willing to grant the requested accommodation.

Table 25 summarizes the results of the tests requesting a reasonable accommodation. Only 6 of the 39 housing providers who responded (15.384 percent) responded favorably to the reasonable accommodation request.³⁵ An additional 3 housing providers (7.69 percent) responded to the request for a reasonable accommodation but in an unfavorable manner, either by stating that they were not willing to provide the requested accommodation or by giving a more ambiguous reply that left the impression that the request for a reasonable accommodation was not likely to be approved. The remaining 30 responding housing providers simply did not address the request for a reasonable accommodation. These housing providers' avoidance of addressing the reasonable accommodation request was considered to be unfavorable treatment.

Table 25. Summary of Reasonable Accommodation Requests by Testers With MD Found in E-mail Testing

Type of Disability	Reasonable Accommodation Requests		
	Response Received	Willing To Provide (n)	Willing To Provide (%)
MI	21	3	14.29
I/DD	18	3	16.67
Total	39	6	15.384

I/DD = intellectual or developmental disability, MD = mental disability, MI = mental illness.

Overall, the vast majority of people with MD making an e-mail request for a reasonable accommodation (84.6 percent) were denied their request outright or were left, on their own, to determine how to pursue their request or to appeal a housing provider's denial.

Table 26. Summary of Differential Treatment of Renters With MD Found in Telephone Testing

Test Dimension	Control Tester Only (%)	Protected Tester Only (%)	Net Measure	p-Value	Sample Size (n)
Unit available	6.59	4.94	1.65	0.1050	668
Invited to inspect	21.26	16.47	4.79**	0.0219	668
Given reason for unit not available	5.39	5.39	0.00	0.5000	668
NOT asked for additional qualification information	19.71	20.99	- 1.28	0.33085	629
NOT reminded about qualifications to rent	16.18	24.76	- 8.58	0.0004 ^a	618
NOT encouraged to look at different unit than one advertised	7.78	4.79	2.99**	0.0188	668

MD = mental disability.

** Significant at the .05 level.

^a The null hypothesis is not rejected as test statistics indicate significance in the other direction.

Additional qualitative analyses of e-mail replies to accommodation requests are provided in Appendix A, Qualitative Analyses and Findings on Overt and Subtle Discrimination Against People With Mental Disabilities by Different Testing Modes.

Telephone Testing Findings

This section summarizes findings from the telephone testing to measure discrimination against people with MD as they seek rental housing. Responses to tester inquiries were analyzed by assessing the following responses to testers.

- Were both testers told the advertised unit is available (favorable)?
- Were both testers invited to inspect the unit (favorable)?
- Was the unit available and, if not, were both testers given a reason for the unit not being available (favorable)?
- Were protected testers asked to provide additional information regarding their qualifications as an applicant (not favorable)?
- Were protected testers reminded about qualifications they must possess to rent the unit (not favorable)?
- Were protected testers encouraged to look at a different unit owned by the same landlord than the unit advertised (not favorable)?

Analyses focus on differences in treatment between people with MD (MI and I/DD) and control testers without disabilities. As shown in Table 26, no significant difference was identified with respect to whether potential renters with or without MD are told whether an advertised unit is available, although the trend suggests that people with MD are less likely to be told an advertised

³⁵ The testing demonstrated slightly higher levels of willingness to provide accommodations for people with I/DD (16.7 percent) versus people with MI (14.3 percent).

unit is available than people without disabilities ($p = .105$). People with MD (both I/DD and MI), however, were treated significantly less favorably in two ways.

1. Protected testers were *less likely* to be invited to inspect an advertised unit.
2. Protected testers were *more likely* to be steered to a different unit than the one advertised, even when the advertised unit was available.

Additional instances of significant differences in treatment were found during telephone testing when the tests were analyzed based on the type of disability revealed by the protected tester. As shown in Table 27, when specifically looking at the sample of testers with MI ($n = 357$), testers with MI were—

- Significantly *less likely* to be told an advertised unit was available than the control tester.

- Significantly *less likely* to be invited to inspect an advertised unit and significantly *more likely* to be forwarded to a different unit than the one advertised, even when the advertised unit was said to be available.³⁶
- Significantly *more likely* to be asked to provide additional information about their qualifications.
- Significantly *more likely* to be sent ambiguous signs of rentals not being available.³⁷

Analysis of the tests conducted for people with I/DD ($n = 311$), revealed a significant unfavorable difference in that people with I/DD were *more likely* to be forwarded to a different unit than the one advertised, even when the advertised unit was said to be available (Table 28). This finding suggests that people with I/DD are being steered toward a specific building, wing, or area within a property.

Table 27. Summary of Differential Treatment of Renters With MI Found in Telephone Testing

Test Dimension	Control Tester Only (%)	Protected (MI) Tester Only (%)	Net Measure	p-Value	Sample Size (n)
Unit available	7.56	4.48	3.08**	0.0467	357
Invited to inspect	19.61	14.01	5.60**	0.0339	357
Given reason for unit not available	5.60	5.04	0.56	0.3728	357
NOT asked for additional qualification information	22.87	17.68	5.19*	0.0702	328
NOT reminded about qualifications to rent	15.63	25.00	-9.37	0.0043 ^a	320
Sent ambiguous sign of availability	7.56	5.04	2.52*	0.0899	357
NOT encouraged to look at different unit than one advertised	7.28	4.20	3.08**	0.0429	357

MI = mental illness.

* Significant at the .10 level. ** Significant at the .05 level.

^a The null hypothesis is not rejected as test statistics indicate significance in the other direction.

Table 28. Summary of Differential Treatment of Renters With I/DD Found in Telephone Testing

Test Dimension	Control Tester Only (%)	Protected (I/DD) Tester Only (%)	Net Measure	p-Value	Sample Size (n)
Unit available	5.47	5.47	0.00	0.5000	311
Invited to inspect	23.15	19.29	3.86	0.1481	311
Given reason for unit not available	5.14	5.79	-0.65	0.3658	311
NOT asked for additional qualification information	16.28	24.58	-8.30	0.0121	301
NOT reminded about qualifications to rent	16.78	24.50	-7.72	0.0190	298
Sent ambiguous sign of availability	5.47	5.47	0.00	0.5000	311
NOT encouraged to look at different unit than one advertised	8.36	5.47	2.89*	0.0850	311

I/DD = intellectual or developmental disability.

* Significant at the .10 level.

³⁶ This finding suggests that people with MI are being steered toward a different building or a specific wing or area within a building.

³⁷ See Appendix A: Qualitative Analyses and Findings on Overt and Subtle Discrimination Against People With Mental Disabilities by Different Testing Modes, for examples of this subtle discrimination.

Telephone testing revealed that people with MI and I/DD were *less likely* to be reminded about qualifications or asked to provide additional information about their qualifications than people without disabilities.³⁸ Further testing and qualitative debriefing of housing providers would be needed to determine whether this indicator is favorable or unfavorable.

The following differences by size of market, gender, and previous living status were also observed as trends in telephone testing.

- Size of market**—People with both MI and I/DD were treated less favorably in large- and medium-sized markets, as compared with very large markets, in several areas, including (1) they were less likely to be told an advertised unit is available, (2) they were less likely to be invited to inspect that unit, and (3) they were encouraged more to look at a different unit than the one advertised.
- Gender**—By contrast with e-mail findings, in telephone testing, women with MI were (1) less likely to be invited in to view the unit (22.70 percent of tests favored control-group women compared with 6.38 percent that favored women with MI; $p = .0002$), (2) less likely to be asked to provide additional information regarding their qualifications as an applicant (32.14 percent favored control-group women compared with 11.43 percent that favored women with MI; $p = .0001$), and (3) more likely to be encouraged to look at a different unit owned by the same landlord (14.18 percent favored control-group women compared with 7.09 percent that favored in women with MI; $p = .034$).

Men with MI were less likely to be asked about qualifications or any additional information than women with MI. Significant gender differences were not found for people with I/DD.
- Current living situation**—Protected testers who indicated to the housing provider that they had been living in an institutional setting before renting (*Olmstead*) were (1) less likely to receive a reply to their inquiries, (2) less likely to be invited to inspect a unit, and (3) more encouraged to look at a different unit than the one advertised, when compared with the protected testers who reported to providers that they were living in a family home or community-based settings before renting (*non-Olmstead*).

Reasonable Accommodation Requests via Telephone

During telephone testing, if protected testers were invited to see a unit, a request for a reasonable accommodation was made. A total of 629 telephone tests included a request for a reasonable accommodation from the protected tester. Table 29 summarizes the results of the responses to these requests.

Table 29. Summary of Reasonable Accommodation Requests by Testers With MD Found in Telephone Testing

Type of Disability	Reasonable Accommodation Requests		
	Response Received	Willing To Provide (n)	Willing To Provide (%)
MI	339	187	55.16
I/DD	290	185	63.79
Total	629	372	59.14

I/DD = intellectual or developmental disability. MD = mental disability. MI = mental illness.

By contrast with findings from the e-mail tests (in which only 15.384 percent of housing providers expressed willingness to provide a reasonable accommodation when asked), 59.14 percent of the housing providers who were asked to provide reasonable accommodations during telephone testing stated that they would be willing to make the accommodation or would view the request favorably given disclosure of the disability. This finding may indicate that housing providers are more likely to engage in a conversation and openly discuss accommodations on the telephone than in an e-mail. Telephone testing still showed a significant percentage of accommodation requests that were not accepted (40.86 percent), however. The remaining housing providers either stated outright that they were not willing to provide the accommodation or gave more ambiguous replies that more subtly pointed toward a negative decision.³⁹ Thus, a large percentage of people with MD (40.86 percent) were denied their request for a reasonable accommodation or left to figure out how to pursue that request on their own given negative input in response to their request.

In addition, reasonable accommodation response rates differed by type of disability (see Table 29), revealing that a higher percentage of housing providers were willing to provide

³⁸ This finding may suggest a favorable finding that housing providers know not to ask these types of questions, or it may suggest unfavorable treatment in that housing providers may be less likely to ask for any detailed rental information from applicants with MI and I/DD after having already shown less chance of inviting them to see or inspect a unit.

³⁹ For example, many housing providers or their agents stated that they did not think the owner would allow the requested accommodation or that it was unlikely the request would be considered, and they said that the applicant would need to find and call a representative at the housing provider to verify this information but did not give any contact information to do so.

accommodations to people with I/DD (63.79 percent) than to people with MI (55.16 percent). Requests for a reasonable accommodation were also more likely to be considered and granted in large markets (65.7 percent) and medium markets (66.7 percent) than in very large markets (47.4 percent) or small markets (41.9 percent). This analysis again produced a higher acceptance rate for people with I/DD than with MI, regardless of market size.

Table 30 summarizes the varying levels of affirmative responses to requests for reasonable accommodations within

different-sized markets tested. Given small sample sizes tested, particularly in smaller city markets, results are limited to showing only potential trends. This limit demonstrates the need for larger-scale testing to determine significant differences between metropolitan statistical areas based on market size.

Additional qualitative analyses of telephone responses to requests for reasonable accommodations are provided in Appendix A, Qualitative Analyses and Findings on Overt and Subtle Discrimination Against People With Mental Disabilities by Different Testing Modes.

Table 30. Summary of Reasonable Accommodation Request Responses by Specific Markets

Type of Disability	Counts		Willing To Accommodate (%)	99% C.I.		95% C.I.		90% C.I.	
	Total Requested	Willing To Accommodate		Lower (%)	Upper (%)	Lower (%)	Upper (%)	Lower (%)	Upper (%)
Chicago-Joliet-Naperville, IL-IN-WI									
MI	55	18	32.7	16.4	49.0	20.3	45.1	22.3	43.1
I/DD	46	21	45.7	26.7	64.6	31.3	60.0	33.6	57.7
MI+ I/DD	101	39	38.6	26.1	51.1	29.1	48.1	30.6	46.6
Washington-Arlington-Alexandria, DC-VA-MD-WV									
MI	51	24	47.1	29.1	65.1	33.4	60.8	35.6	58.6
I/DD	42	29	69.0	50.7	87.4	55.1	83.0	57.3	80.8
MI+ I/DD	93	53	57.0	43.8	70.2	46.9	67.1	48.5	65.4
Nashville-Davidson--Murfreeseboro--Franklin, TN									
MI	53	35	66.0	49.3	82.8	53.3	78.8	55.3	76.7
I/DD	53	37	69.8	53.6	86.1	57.5	82.2	59.4	80.2
MI+ I/DD	106	72	67.9	56.2	79.6	59.0	76.8	60.5	75.4
Cincinnati-Middletown, OH-KY-IN									
MI	75	48	64.0	49.7	78.3	53.1	74.9	54.9	73.1
I/DD	55	35	63.6	46.9	80.3	50.9	76.3	53.0	74.3
MI+ I/DD	130	83	63.8	53.0	74.7	55.6	72.1	56.9	70.8
Albuquerque, NM									
MI	26	19	73.1	50.7	95.5	56.0	90.1	58.8	87.4
I/DD	23	18	78.3	56.1	100.0	61.4	95.1	64.1	92.4
MI+ I/DD	49	37	75.5	59.7	91.3	63.5	87.6	65.4	85.6
Fresno, CA									
MI	27	17	63.0	39.0	86.9	44.7	81.2	47.7	78.2
I/DD	24	21	87.5	61.3	98.5	67.6	97.3	70.8	96.5
MI+ I/DD	51	38	74.5	58.8	90.2	62.5	86.5	64.5	84.5
Harrisburg-Carlisle, PA									
MI	28	14	50.0	25.7	74.3	31.5	68.5	34.5	65.5
I/DD	25	14	56.0	30.4	81.6	36.5	75.5	39.7	72.3
MI+ I/DD	53	28	52.8	35.2	70.5	39.4	66.3	41.6	64.1
New Haven-Milford, CT									
MI	10	6	60.0	19.1	92.3	26.2	87.8	30.4	85.0
I/DD	5	3	60.0	8.3	97.7	14.7	94.7	18.9	92.4
MI+ I/DD	15	9	60.0	27.4	92.6	35.2	84.8	39.2	80.8
Syracuse, NY ^a									
MI	17	7	41.2	10.4	71.9	17.8	64.6	21.5	60.8
I/DD	14	6	42.9	8.8	76.9	16.9	68.8	21.1	64.6
MI+ I/DD	31	13	41.9	19.1	64.8	24.6	59.3	27.4	56.5

C.I. = confidence interval. I/DD = intellectual or developmental disability. MI = mental illness.

^a Added after a potential detection issue was discovered in New Haven-Milford, CT.

In-Person Testing Findings

This section summarizes findings from in-person testing to measure discrimination against people with and without MD as they seek rental housing. Key questions that form the basis for analysis include—

- Were both testers told the advertised unit is available (favorable)?
- Was the unit available and, if not, were both testers given a reason for the unit not being available (favorable)?
- Were protected testers asked to provide additional information regarding their qualifications as an applicant (not favorable)?
- Were protected testers reminded about qualifications they must possess to rent the unit (not favorable)?
- Were protected testers encouraged to look at a different unit owned by the same landlord than the unit advertised (not favorable)?

The first analysis focuses on differences between testers with MD (MI and I/DD samples combined) and testers without disabilities. As shown in Table 31, people with MD were significantly less likely than people without disabilities to be told that the advertised unit was available (5.94 percent favoring the control tester compared with 0.99 percent favoring the protected tester) and were less likely to be given a valid reason for why the unit was not available (3.96 percent favoring

the control tester compared with 0.00 percent favoring the protected tester). No other significant differences in treatment were identified during the in-person testing.

The sample size varies if data were missing or not available for one of the matched pairs; only balanced matched-pair data were analyzed.

As in the other modes of testing, when additional characteristics of testers were considered in the analysis, evidence of differential treatment based on disability type, current living status, region, and gender were observed.

As shown in Table 32, people with MI were less likely to be told that an advertised unit is available (8 percent of tests favored the control group compared with 0 percent that favored the MI group) during in-person testing.

No significant differences in treatment were found between testers with I/DD and control testers without MD (see Table 33).

The following additional differences by gender, race, and living situation were also found to be significant in in-person testing.

- **Gender**—Women with MI were less likely to be told an advertised unit was available (11.43 percent of tests favored women without disabilities compared with 0 percent that favored women with MI; $p = .06$) and more likely to be encouraged to look at a different unit than the one available (20 percent favored women without disabilities compared with 5.71 percent that favored in women with MI; $p = .09$) during the in-person testing.

Table 31. Summary of Differential Treatment of Renters With MD Found in In-Person Testing

Test Dimension	Control Tester Only (%)	Protected Tester Only (%)	Net Measure	p-Value	Sample Size (n)
Unit available	5.94	0.99	4.95*	0.0625	101
Given reason for unit not available	3.96	0.00	3.96*	0.0625	101
NOT asked for additional qualification information	16.49	21.65	- 5.16	0.2055	97
NOT reminded about qualifications to rent	18.75	19.79	- 1.04	0.4347	96
NOT encouraged to look at different unit than one advertised	12.87	12.87	0.00	0.5000	101

MD = mental disability.
* Significant at the .10 level.

Table 32. Summary of Differential Treatment of Renters With MI Found in In-Person Testing

Test Dimension	Control Tester Only (%)	Protected (MI) Tester Only (%)	Net Measure	p-Value	Sample Size (n)
Unit available	8.00	0.00	8.00*	0.0625*	50
Given reason for unit not available	4.00	0.00	4.00	0.2500	50
NOT asked for additional qualification information	17.02	25.53	- 8.51	0.2517	47
NOT reminded about qualifications to rent	18.75	20.83	- 2.08	0.5000	48
NOT encouraged to look at different unit than one advertised	16.00	6.00	10.00	0.1133	50

MI = mental illness.
* Significant at the .10 level.

Table 33. Summary of Differential Treatment of Renters With I/DD Found in In-Person Testing

Test Dimension	% Tester Favored				Sample Size (n)
	Control Tester Only (%)	Protected (MI) Tester Only (%)	Net Measure	p-Value	
Unit available	3.92	1.96	1.96	0.5000	51
Given reason for unit not available	3.92	0.00	3.92	NA	51
NOT asked for additional qualification information	16.00	18.00	- 2.00	0.5000	50
NOT reminded about qualifications to rent	18.75	18.75	0.00	0.5000	48
NOT encouraged to look at different unit than one advertised	9.80	19.61	- 9.81	0.1509	51

I/DD = intellectual or developmental disability. NA = test statistics cannot be produced due to no observations in control, protected, or both groups.

Such observations were not made for men (for additional qualitative analyses of the content of these responses, see appendix A).

- **Race**—Although sample sizes and matched-pair data were too small to be conclusive to analyze most differences, African-Americans with MI were less likely to be told an advertised unit was available (9.76 percent favored African-Americans without disabilities compared with 0.00 percent that favored African-Americans with MI; $p = .06$) than African-American control testers.
- **Current living situation**—Testers with MI who identified as living in a nursing home or institution before renting (*Olmstead* group) were less likely to be told an advertised unit was available (13.33 percent favored people without disabilities compared with 0.00 percent that favored people with MI living in nursing homes; $p = .06$) and trending toward more likely to be encouraged to look at a different

unit (23.33 percent favored people without disabilities compared with 6.67 percent that favored people with MI living in nursing homes; $p = .09$). No significant findings were observed in test results for applicants with I/DD who identified as living in large group homes versus with family before renting.

In addition to the analysis of these quantitative findings, all qualitative field notes and examples from in-person testing were analyzed for additional overt and subtle indications of discrimination. An innovative mixed-methods approach was used for analyzing these qualitative data, which yielded rich descriptive findings on additional areas of potential discrimination that were not measured in the quantitative analyses. These qualitative methods and findings are summarized separately in appendix A, Qualitative Analyses and Findings on Overt and Subtle Discrimination Against People With Mental Disabilities by Different Testing Modes.

Findings From the Evaluation of Different Testing Modes

Two primary objectives of this study were to (1) develop and implement different testing methods and approaches for measuring housing discrimination on the basis of MD and (2) evaluate the strengths and weaknesses of each approach, to establish a set of protocols for conducting paired testing to measure the degree to which people with MD experience discrimination in the search for rental housing. This section of the report evaluates the three testing methods implemented over the course of this research effort, focusing on the unique aspects of implementing paired testing with, and on behalf of, people with MD.

DDS 2005 explored the development of methodologies to test for housing discrimination on the basis of MD and served as a starting point for developing the research approach for this study. The final report from DDS 2005 provided the study team with a set of considerations when employing people with MD as testers and also provided some insights on how to reveal disability and how to construct parallel stories for paired testing. This information was supplemented with a review of current research on testing, insights from focus groups that included people with MD, and guidance from the study's expert panel to develop the testing protocols implemented in this project.

People With Disabilities As Testers: Is It Feasible?

HUD, the study team, the expert panel, and focus groups strongly supported the participation of people with MD throughout the project, both as advisors and as testers. Although the recommendations of DDS 2005 indicated such an approach was feasible for in-person testing, the report also noted the potential difficulty of recruiting a sufficient number of testers with MD and the concern that the effectiveness of the testers might decline if too many tests were conducted within a given time period. With these concerns in mind, people with MD were engaged early in the planning process to help design the testing protocols and to participate in the testing process. The study team sought to balance the equally important practical need to produce credible results in a reasonably short

period of time with the need to contain costs. This balance imposed practical limitations on methodologies, but it also supported the consideration of different approaches, both for the benefit of the testers with MD and for the efficient execution of the study.

The final research design included pilot testing that employed people with and without MD as testers. People with MD served exclusively as protected testers for the in-person testing, completing each test accompanied by a companion without MD, who was another trained tester posing as friend helping in the search process. This testing design was based on the recommendation of the expert panel, was confirmed by focus groups that included people with MD as a reasonable strategy,⁴⁰ and replicated the approach of the 2005 DDS.

The conclusion reached by the study team, as discussed subsequently, was that producing reliable fair housing test results while working with individuals with MD—both MI and I/DD—is feasible.

Tester Profile: How Do You Isolate and Reveal Disability?

A key challenge to conducting matched-pair testing for housing discrimination on the basis of MD is ensuring that the tester can convincingly and unambiguously reveal the presence of MD to a housing provider. Based on a review of the literature, findings from focus groups, and discussions with the expert panel, the following recommendations were made regarding (1) the severity of a tester's disability, (2) the disclosure-and-reveal sequence, and (3) the profile of the tester.

Severity of Disability

After reviewing existing research on testing with this population, and keeping in the spirit of the goals of the Fair Housing Act and the Americans with Disabilities Act, the study team determined not to restrict the type or severity of MD for testers, other than being confident that the person with MD was able to complete the assigned test. To make this determination, a

⁴⁰ Focus groups noted that people with MD who brought along another person for support when searching for housing reported feeling safer and more comfortable in the housing search process. Focus group respondents also noted that even when a companion was present, people with MD still experienced potential discrimination by landlords. The expert panel, which also included people with MD, agreed that this approach would likely yield good data by having two people to observe and record each test. The concern that the presence of a companion might affect or bias a test was discussed with the expert panel, and it was ultimately determined that the effect of a companion accompanying the protected tester would likely be minimal.

verification process was used that was equivalent to seeking informed consent when enrolling a research subject. For this project, tester candidates were required to be their own guardian and be capable of giving the equivalent of informed consent, recognizing that this restriction would likely reduce the pool of potential MI and I/DD testers. The research team then ensured that the candidate understood what was expected of him or her and could repeat the requirements back to research team member. The ultimate goal was to ensure that all testers were able to fully execute the test, including the reporting requirements after the test, not only at the time of recruitment but also on the day of each scheduled test. To this end, the recruitment, interview, and training process was critical for successful testing involving people with MD.

Revealing Disability

Several challenges were identified as being inherent in testing for housing discrimination on the basis of MD.

- Unlike other housing discrimination research studies, which have focused on externally recognizable characteristics, such as race and ethnicity, most MD is not visible or immediately recognizable (Corrigan and Penn, 1999) and therefore must be revealed during testing.
- Although many people with MD in the real world may be reluctant or unwilling to reveal their disability, for the purpose of these tests, the MD must be clearly, credibly, and consistently disclosed to the housing provider or agent.
- Many people with MD have multiple or co-occurring mental or physical disabilities; however, the testing design can focus on only the single issue of the presence of MD.
- Although people with MD may disproportionately have low incomes, profiles for both control and protected testers had to depict them as income qualified for the units they were seeking in order to avoid introducing another variable into the tests.

Recognizing that the necessarily narrow design of the testing implemented for the purposes of this research effort does not represent the multiple and complex factors that affect the

typical experience of many people with MD during the housing search process, different strategies were developed across the three test modes to isolate the variable of interest in this project.

Because data are limited on testing for housing discrimination against people with MD, the study team turned to recent research on discrimination during the search for employment for additional guidance for its disclosure strategies. Revealing disability⁴¹ during a job interview has parallels to the housing search process; that is, some individuals may reveal the presence of a disability right at the start of the housing search process, and others may hide their disability and continue to do so after moving into a unit. The timing of disclosure of disability during matched-pair testing was studied by Dalgin and Bellini (2008) using a tester profile that contained a 9-month gap in employment. In that study, the control testers with no disability offered that they were taking care of their mother who had a serious illness during that time. The testers with disabilities disclosed that they had been ill and needed to take some time off to deal with their own health concerns. Disclosure of the specific nature of the health concern (that is, disability) then occurred later when voluntarily shared by the candidate either in a short or long response (that is, more or less detail). This study determined that extensive information on disability does not change the outcome, because no difference was evident in response to the shorter version of disclosure. This approach assured that the employer knew the applicant had MD early in the interview process and then later received some additional information about that disability.

The DDS 2005 exploratory testing grappled with how the protected tester could reveal the presence of a disability to a housing provider. For this project, it was generally agreed that, although most people in this group would not typically disclose their disability outright to a housing provider, it would be credible to do so if the each tester disclosed while explaining why they had no recent rental history. As a result, in all tests, protected testers disclosed that their lack of rental history was due to being in a mental health treatment facility (for people with MI) or in a group home (for people with I/DD). Paired control testers disclosed that they had either been a student living in a dorm, had lived with family, or had lived abroad.

⁴¹ MacDonald-Wilson, et al. (2011:192) defined disclosure as “revealing information about one’s diagnostic label, mental health condition, or psychiatric disability” and identify seven different types or reasons for disclosure.

1. Full disclosure—no one excluded from knowing.
2. Selective disclosure—to people whom the person trusts.
3. Strategically timed—after building trust over time; may or may not be full disclosure.
4. Targeted—condition of employment.
5. Nondisclosure—hide it from all.
6. Inadvertent—reveal instead of being “found out.”
7. Forced—something came up that required it (e.g., hospitalization).

Another approach to revealing disability in testing is with a request for a reasonable accommodation. Common accommodations requested can include assistance animals, variance of the rent due date to accommodate the date of receipt of disability-related income, request for a live-in aid, waiver of minimum income or credit requirements, acceptance of rent from a third-party payer, or agreement to communicate through a case worker or family member.⁴² Kaye (2012: 16) suggested that “disclosure of a PD [psychiatric disability] through a written accommodation request accompanying an application can cause a housing applicant to be negatively stereotyped as less capable than an applicant without a PD, despite similar qualifications” and can increase likelihood of discrimination.

Establishing a Suitable Profile

A key concern in this project was to make the testing situation as realistic as possible. This goal meant that the tester profiles were required to align with the reality experienced by people with MD but also to not trigger suspicion by the housing provider or generate bias. The following was recommended.

- **Type of disability**—The specific type of disability was not stated during a test. Instead, protected testers gave the broad category of having either MI or I/DD and then revealed more about functional aspects of the disability during the interview (telephone or in-person) or in the e-mail.
- **Visible characteristics**—Race, gender, and age of test pairs were driven by actual tester demographics but were matched across pairs for all test types.
- **Income**—The income of each tester was established by the study team and was in the range needed to afford the unit being sought. Furthermore, testers did not claim SSDI or any other disability-related income, nor did they indicate that they were using a Housing Choice Voucher or any other form of housing assistance. This condition was to eliminate any potential bias based on source of income, which is a protected class in some jurisdictions but not others.
- **Employment**—It was agreed that testers should be working to eliminate concerns that unemployment might be a source of bias for some housing providers. Being employed, however, does not ensure sufficient income to afford many apartments (using the “30 percent of income” rule), therefore, control and protected testers’ profiles were designed to include employment that realistically paid enough to cover the rent at the property being tested.

Using the testing protocols described in previous sections, protected class testers were trained to reveal their disability in such a way that it was unambiguous and could not be discredited even if the protected tester did not “manifest symptoms.” The approach taken in this study was, thus, full disclosure of MD in all test modes by the individual acknowledging the presence of a disability (1) directly (for example, “I have a mental disability”) and (2) indirectly (for example, rental history). In some cases, disability was also revealed by asking for a reasonable accommodation; however, such a request was made only after the first two disclosure methods were completed and all information required for the test to be considered complete was attained. In all cases, the functional aspects of disability, rather than the type of disability, were provided when disclosing any details.

Tester profiles were matched for consistency between the protected tester and control tester. Similar backgrounds were used to establish a similarity in rental history. The guidance for testers with disabilities during in-person testing and proxies during the telephone testing, and the exact language used in e-mail testing, are presented subsequently.

E-mail Testing: Strengths and Weaknesses

E-mail testing is important given the growing use of this medium for communication in the rental housing search process. As a testing mode, it has several strengths when focusing on individuals with disabilities. It also has some limitations, including the inability to interpret a nonresponse from a housing provider and the effect such a nonresponse has on the overall set of paired test results. One strategy for addressing this concern is to enlarge the sample, or to *oversample*. This approach, too, can also have drawbacks, however, especially in smaller markets where increasing the sample size can also increase the risk of test detection.

A key strength of e-mail testing is the elimination of potential fatigue among testers, which was a particular concern raised in the discussion of working with people with MD as testers. With the e-mail as the “tester,” this mode also reduces human error in reporting because it provides verbatim statements on both sides of the transaction—each member of the tester pair and the housing provider. This design allows for the message and initial contact of the tester to be controlled, including when and how the disability is revealed, thus ensuring consistency across

⁴² Kaye (2012: 31) suggested an additional reasonable accommodation request to reveal a PD by having “two applicants requesting that they can break lease with no penalty, but one is asking in case of psychiatric hospitalization and the other is asking in case of military deployment.”

all tests, which in turn can produce reliable and unambiguous quantitative measures to determine if clear patterns of discrimination exist against people with MD.

E-mail testing also provides data that allow for a more systematic and specific analysis to find evidence of subtle discrimination. Since passage of the FHA, researchers involved in paired testing studies have observed that it is rare to find a “smoking gun” of proof (Hanson, Hawley, and Taylor, 2011). E-mail testing provides written data directly from a housing provider that can then be used to more accurately assess the subtle nature and extent of discrimination (Hanson, Hawley, and Taylor, 2011; HDLP, 2012).

Subtle discrimination may be used to discourage someone in a protected class from pursuing a particular housing option. It can also include more favorable treatment of the protected class. For example, recent testing in Vermont involving in-person testing of people with disabilities, including MD, found that 27 percent of the control testers were positively favored, but neither protected nor control testers experienced outright discrimination.⁴³ The e-mail data produced for this project were coded and analyzed using qualitative methods, which found

evidence of (1) subtle discrimination against the protected tester and (2) more overt differences in treatment that could be categorized as discrimination (Hanson, Hawley, and Taylor (2011). See Appendix A, Qualitative Analyses and Findings on Overt and Subtle Discrimination Against People With Mental Disabilities by Different Testing Modes for a more extensive discussion of this topic.

This analysis also highlighted issues relating to the timing of e-mails in testing, and particularly when the initial housing inquiry e-mail was received and responded to. In this testing, it could only be assumed from the e-mail time stamp that the order in which an e-mail response was received by the testing team was also the order in which it was read by the housing provider.

Although a new frontier in testing, this project confirms that e-mail testing research can generate reliable results that, based on statistical analysis of quantitative data, can be used to determine discrimination. These same data can be coded for both quantitative and qualitative analysis to look systematically for evidence of subtle forms of discrimination, which may be of use in future testing efforts. Table 34 summarizes the pros and cons of the e-mail method of testing.

Table 34. Pros and Cons of E-mail Testing

Pros	Cons
Cost effective for a large number of tests.	Captures only first point-of-contact step of housing search process.
Automated system generates predetermined script.	No live interaction with housing provider.
Logistically straightforward.	Many larger housing providers use canned, scripted replies regardless of initial request—unclear whether provider is responding to the disability component.
Test administrators, but no testers—eliminates tester fatigue and error.	Potential for low response rate requires larger sample size.
Less time consuming than other modes (e-mail is the data so no report forms or debriefing required).	Data are limited to the e-mail returned.
Provides exact language used by housing provider for analysis.	Difficult to interpret nonresponses.

Telephone Testing: Strengths and Weaknesses

The number of telephone tests that were completed, including those tests that included a request for a reasonable accommodation, exceeded the goals for this test mode. This result demonstrates that telephone testing can produce a high volume of tests for analysis in a relatively short period of time and can be used successfully to produce useful data.

The telephone mode of testing also has its limitations, however, including—

- Testers have no face-to-face interaction with housing providers, so interpreting responses to questions is based solely on what people say over a telephone, which may be different than if the conversation occurred in person.
- Compared with e-mail testing, telephone testing produces detailed field notes to use in subsequent analysis. Although a positive, it is also a negative because it requires additional time for testers to produce their reports.
- The particular test design here, which used proxies, is not the equivalent of actually speaking with a person with MI or I/DD. The results, although valid and useful, may not be as socially valid as using a person with MD to do the testing.

⁴³ Housing Discrimination Law Project of Vermont Legal Aid (2012).

Based on the successful use of testers with MD for in-person testing as part of this project, the study team believes that it would be feasible to conduct telephone testing that employs people with MD to serve as protected testers, making calls and requesting information about the apartment for themselves, assuming that a strong commitment to training and oversight

is in place. As noted previously, the social validity of this testing is likely to increase if people with disabilities are used in the testing process to make telephone calls.

Table 35 summarizes the observed pros and cons of telephone testing. As with e-mail testing, most of the issues are not unique to testing for discrimination against people with MD.

Table 35. Pros and Cons of Telephone Testing

Pros	Cons
Live interaction w/housing provider.	No face-to-face interaction.
Use of proxy without a disability as friend or family member to conduct test allows for more flexibility in recruiting, training, and scheduling testers.	Not the equivalent of actually speaking to people with MI or I/DD.
Can be conducted from anywhere in the United States (one centralized location or group of remote locations).	Requires being in a location with sufficient MD community to recruit from if using population to test.
Testers have script in front of them during test and record results in real time.	Although detailed field notes a positive, they require time for testers to produce, unlike e-mail, for which returned e-mail response alone is used.

I/DD = intellectual or developmental disability. MD = mental disability. MI = mental illness.

In-Person Testing: Strengths and Weaknesses As Evaluated by Testers With MD and Companion Testers

In-person testing is a labor-intensive process for any protected class, given the recruitment and retention strategies needed to ensure that the required number of paired tests is executed. In this study, one significant concern was that people with MD would require more time between tests to reduce potential for fatigue, and that therefore completing the planned number of tests within a reasonable timeframe would necessitate the recruitment of a larger number of testers, which can have significant cost implications. In addition, the use of a companion tester raised concerns regarding both increased costs and a possible delay in testing as a result of having to coordinate multiple schedules for each test.

The initial literature review and focus groups, input from the expert panel, and a small set of in-person pretests served as preparatory steps to working with in-person testers with MI and I/DD. These efforts were designed to provide key insight into housing discrimination experienced by this population and ideas for how to involve community members as in-person fair housing testers, including the recruitment, selection, and training of testers and the data collection process.

The in-person testing had a smaller sample size and a longer execution time, and it was conducted in only two, very large housing markets. To evaluate the inclusion and active participation of people with MD as testers, four focus groups with

key participants and stakeholders were conducted, including (1) project leaders, (2) testers with I/DD, (3) testers with MI, and (4) companion testers.

Additional earlier focus groups, primarily consisting of testers, were held in the weeks immediately after the completion of in-person testing and data collection so participants could reflect on their testing experiences. The detailed approach and results of the focus groups, which includes quotes from participants, can be found in one of the short papers associated with this project, *Accessible & Participatory Methods for Involving People with Mental Disabilities In Housing Discrimination Testing*.

Strategies for Tester Recruitment, Selection, Retention, and Matching

Test coordinators from the two participating fair housing testing organizations broadly recruited potential testers by contacting a variety of community groups and organizations with which people with MI and I/DD had active contact, such as programs that provide housing or community living services. Because of widespread employment disparities among this population, some people with MI and I/DD were found to be more available to work as testers; however, the availability of testers who were currently unemployed may also have restricted the recruitment of testers with full-time jobs or busy schedules.

Test coordinators also implemented extended interactions with potential testers to allow for the evaluation of the “fit” between the tester and the testing responsibilities involved (that is,

discerning if the candidate could complete the essential job duties). During these interactions, test coordinators provided potential testers a candid and thorough description of the project and their expected role, including an emphasis on the responsibilities of being a tester versus other roles in the project, assessing how the potential tester understood his or her role, and the potential tester's comfort with pretending to be searching for an apartment and disclosing their disability during the housing search process. All these issues were proactively addressed during the initial tester training. For some, initial training helped test coordinators make a final determination about a potential tester's involvement in the actual in-person tests.

In addition, the study team learned how best to deliver training to potential testers with MD, by simplifying and limiting background information and lecture and instead focusing on short practice exercises, open discussion of any questions, and other modifications that enable testers to gain comfort carrying out a test and working with a companion tester.

Test coordinators also noted that they needed to allocate significant time to the recruitment process, needing initially to recruit about three times the number of testers needed. For example, in some cases, most notably among potential testers with I/DD, availability and reliability were issues (for example, getting training scheduled, not showing up for scheduled training, the availability of reliable transportation, and the need to navigate a new transportation route without support). Finding available testers was especially difficult given the need to coordinate I/DD testers with companion testers for initial training, practice testing, and each in-person test.

Despite these challenges, test coordinators from the two participating testing organizations were able to recruit the required number of testers due to their extensive contacts and continual networking with community groups and people with disabilities. These established connections with community groups and people with disabilities were essential to this effort and would be difficult for organizations not familiar with and embedded within disability communities to replicate. The use of these community-based testing organizations was a critical component of the project and a key to success in actively supporting people with MD during the in-person testing effort.

Test coordinators also noted that it was important to identify people who would be good companion testers, and they noted that ensuring a strong rapport between a tester with disabilities and his or her companion tester was key to the protected testers' comfort and to the quality and efficiency of testing. Test coordinators also noted that it was especially important that they consult with both the protected tester and the companion

independently, and early in the partnership, to ensure that the pair was a good match. This assessment of the match began during the initial training, when the team purposively built in many opportunities for pairs to get to know each other and become comfortable with each other during practice tests. Test coordinators and testers agreed that a tester's choice of his or her companion was very important to the comfort and fidelity of the tester and data collection and agreed that pairs should be rematched if one of the members was not comfortable.

Preparing and Supporting Testers: Initial Training

Project leaders worked to design tester training to effectively engage testers with both MI and I/DD and to actively support their learning. For both groups, training materials deemphasized complicated text, reduced the number of ideas presented at one time, and incorporated graphics, photos, and images to illustrate more abstract points such as civil rights. The trainings also included opportunities to observe testing skits performed by test coordinators and project staff first, and then for testing pairs to actively engage in several different testing scenarios by role-plays (moving from working in pairs with an assigned project staff to role-playing in front of the whole group and getting feedback thereafter), and they included frequent breaks to take in information learned. Basing their approach on initial insights from stakeholder focus groups and expert panel meetings conducted at the start of the project, project leaders delivered the training differently for each group to maximize their learning. For example, testers with I/DD had the information broken into smaller units followed immediately by opportunities to practice a small skill first and then build up to practicing a full test and then onto an actual practice test in the field, and testers with MI received initial information in one sitting and then practiced different scenarios.

Testers reported that these experiences—particularly the opportunity to practice and receive individualized feedback—helped them learn their responsibilities and feel prepared for their role. Some testers noted that when the time between training and testing in the field was significant, it was beneficial to have opportunities to brush up on their skills and review the testing protocol. Project leaders observed that ensuring that the training had a good deal of time devoted to hands on learning was essential.

Preparing and Supporting Testers: Ongoing Support During In-Person Testing

The in-person paired testing was also designed to support testers during data collection in ways that testers and companion testers found helpful. Project leaders provided scripts and

checklists to help testers remember the personal information they would need to provide during testing. They also provided reminders via e-mail, telephone, or both (cell phone communications were used frequently before, during, and after testing) and were readily available to respond to questions and assist with unanticipated problems.

Many project leaders and testers agreed that being able to debrief with test coordinators immediately after each test (either by telephone or in person) was very helpful. The testing protocols required debriefing within 48 hours of the actual test and, in many cases, testers completed debriefing immediately after the test or within 24 hours. For some testers, being able to complete the forms at the testing coordination agency allowed them access to onsite computers and to test coordinators in case any questions arose. These factors were reported to have helped the testers submit completed forms quickly and accurately.

Whether for training or data collection, project leaders thought it was important to ask testers what they needed assistance with (for example, writing, reading, or a quiet room to complete forms in) and to be flexible in responding to testers' emergent needs. Many noted that the level of support needed decreased over time as testers increased their skills and level of comfort. Although some testers initially felt nervous, they reported becoming increasingly comfortable as they gained experience. Thus, it was important to support a key group of testers so they could do many tests and feel comfortable in doing so, rather than trying to have a large pool of testers who completed only one or two tests each.

Preparing and Supporting Testers: Use of Companion Testers As Ongoing Supports

Companion testers also provided support to protected testers during data collection. For example, when testers forgot to ask a question of a landlord, "got off track," or "froze," companion testers were able to naturally prompt the tester or provide a response. Companion testers also reassured testers and helped them feel less nervous during data collection or when in a new area of their community. Companion testers were also able to provide assistance by taking notes, organizing and remembering information, helping out when unanticipated situations arose, and in some cases with transportation.

Many testers with MD and companion testers thought that the presence of the companion testers may have helped the protected tester feel less stressed, because immediate support was available. It was also noted that protected testers and their companion testers complemented one another during data collection by offering different ideas and that working as

a pair made the experience more enjoyable. Protected testers and companion testers noted that the support provided by companion testers during data collection may have also added credibility to the disclosure of a disability by testers. On the other hand, some companion testers wondered whether their presence tempered potential opportunities for differential treatment by landlords.

Most thought that companion testers were most effective when they saw their relationship with the tester as a partnership; that is, when companions understood that they were there to support testers, not to be testers. To achieve this understanding, companion testers needed to be flexible to their paired tester's needs and preferences. The dynamic of successful relationships was evident when testers and companion testers had discussed and agreed on each individual's role and responsibility, had good communication before and after data collection, and both contributed to the completion and approval of reporting forms. Mentoring, training, and role-playing may be required to help companion testers excel in these supporting roles. The need for training on how to be a good companion tester may have been particularly relevant for companion testers who had been testers in other fair housing testing situations. Although their previous experience provided great knowledge and insight, they also had to transition to playing a supporting role, rather than the primary role, during a test.

When directly asked whether companion testers were needed, the study team agreed that most testers with I/DD would need a companion tester to complete data collection. The study team also believes, however, that most testers with MI, and perhaps some testers with I/DD, could initially benefit from a companion but could potentially conduct testing on their own as they gained experience.

Documenting Differential Treatment and the Role of the Companion Tester

Some protected testers reported that they thought they experienced negative treatment by housing providers or agents and that the companion tester helped to document and handle that treatment. For example, one tester was asked repeatedly whether he had a criminal background, what his income was, and whether he could afford the unit. Another thought the housing provider was suggesting she may not be intelligent enough to live in the building, and another was told that the landlord would "pray for her." Others reported landlords acting distracted (talking on the telephone or looking at their watch), being abrupt in interactions, refusing to provide an application (likely because an application had been received earlier in the

day), or simply “giving attitude.” Companion testers had the sense that testers appreciated having someone with them to witness and validate this treatment.

Recommendations for Expanded Testing in the Future

Although they understood the scientific value of the current testing approach and its focus on one specific disability group, many testers stated that they wished the project could be broadened to better reflect the actual experiences of individuals with MD, especially because many people with MD experience more than one functional limitation. For example, some people with I/DD also were anticipating some future physical accessibility issues and wanted to be able to document those as well. They also thought it would be illuminating to study the qualities of accessible housing, particularly what that means and looks like for people with MD.

In considering the expansion of matched-pair testing to study housing discrimination on the basis of MD to a larger geographic scale, project leaders, testers, and companions had many recommendations. For example, project leaders—

- Thought that having an experienced, centralized oversight team would be important to ensuring that the data collection protocols are being administered similarly across sites (including for training), to facilitate ongoing communications among sites, and to provide ongoing support and accommodations, as needed.
- Confirmed the importance of some strategies that were used in this project, such as the need for housing organizations to partner closely with organizations run by people with disabilities within testing regions to succeed in this work.
- Stressed the importance of allowing adequate time for the recruitment, training, and ongoing support of testers with MD, with some suggesting the initial recruitment of approximately three times as many testers as originally needed.
- Believed that holding training in places that are familiar to potential testers, such as at disability and community organizations, could help attract testers with MD because they are more likely to trust these sites.
- Emphasized that, in preparing testers and companion testers for data collection, the research team and companion testers should not make assumptions about what testers can and cannot do.
- Agreed that experienced testers with I/DD and MI, and companion testers, might be well-equipped to train future testers, and their role as peer mentors and trainers should be considered in future studies.
- Emphasized the value of building in time for mentoring and one-on-one training.

Testers with MI and I/DD and their companion testers also made valuable suggestions, including—

- Agreeing on the benefits of making sure that everyone has an opportunity to role-play and complete a practice test with feedback.
- Noting that having all testers engage in more than one practice test might be advantageous.
- Suggesting that, although each person is unique, trainings should include some general information about MI and I/DD at the start of tester interaction that, in a respectful way, acknowledges the considerable heterogeneity of people with MD.
- Recommending that they receive a checklist detailing everything they should do before a test (including practical information, such as use the restroom).
- Expressing a desire that they do tests in areas where their personal characteristics match those of the local community and in areas that “feel safe.”
- Noting that it would be helpful to attempt to make sure that apartment-viewing appointments were with leasing agents and not with maintenance personnel.
- Suggesting that they should also be involved in making calls to arrange apartment-viewing appointments, because some profile information is requested at that point of contact.
- Raising the issue of how to ensure that testers receive support for any emotional reactions they may have during data collection.
- Encouraging testers and companion testers to return to the testing coordination agency after each test to debrief and complete reporting forms, and after testing would also be a potential time to support them emotionally, give them additional resources if needed, or both.
- Urging that test assignment and report forms be as clear as possible so that testers and companions would have fewer questions for test coordinators.
- Raising the possibility of alternative payment options so that those who receive disability benefits could more fully participate without having their subsidized disability income being at risk.

Finally, several testers suggested that all testers should have the chance to reflect and debrief at the end of the project, similar to what was done in debriefing focus groups with a small sample of testers and staff in this study. Testers expressed that the focus groups enabled them to validate their feelings, revisit their experiences and make sense of them, reconnect with other testers and companion testers, and validate their contributions and role in the overall project.

The pros and cons of in-person testing are summarized in Table 36. In-person testing yields richer data than the other modes, but it costs more and takes more time to complete the tests. Although that is true for any protected class, the pros and cons are amplified when using people with disabilities as testers. Depending on the objective, the added time and costs associated need to be weighed against the data produced.

Table 36. Pros and Cons of In-Person Testing

Pros	Cons
Face-to-face interaction with a housing provider captures richest, most realistic interaction information, including verbal and nonverbal responses.	Logistically complex; scheduling of two testers and companion for protected tester to conduct tests and debrief.
Test reaches deeper into rental transaction.	Tester recruitment, training, support, and retention are challenging.
Involves people with MI and I/DD in conducting research, which increases social validity of findings.	Potential for tester fatigue and emotional reactions need to be considered in training and debriefing support.
Use of companion without disability provides additional attention to detailed observations and field notes for improved rigor of analysis of findings.	Requires longer time in the field for testing to coordinate tests.
Upfront screening and training reduces attrition, and people with MD were found to be effective testers.	Requires more preparation, time, and resources, especially collaboration and involvement of disability and community organizations that understand how to provide accommodations to testers with MI and I/DD.

I/DD = intellectual or developmental disability. MD = mental disability. MI = mental illness.

Summary, Conclusions, and Recommendations

The pilot testing effort documented in this report represents the largest and most comprehensive effort to date to validate methods of testing for housing discrimination against people with mental disabilities. The pilot testing also represents the first time that people with MI and I/DD have been enlisted to serve as in-person testers in a housing discrimination study of this size and therefore contributes significantly to the knowledge about disability-related housing discrimination and the design of research methodologies that are accessible, inclusive, and participatory to people with MI and I/DD.

The testing conducted in this study documented significant levels of adverse differential treatment toward individuals with MD when compared with the treatment of a control group of individuals who did not have MD. Such adverse differential treatment included observations that individuals with MI or I/DD were—

- *Less likely to receive a response to their inquiry* (17.55 percent of tests favored the control group of people without disabilities compared with 9.19 percent that favored people with MI and I/DD in e-mail testing).
- *Less likely to be told an advertised unit was available* (5.94 percent favored people without disabilities compared with 0.99 percent that favored people with MI and I/DD in in-person testing).
- *Less likely to be invited to contact the housing provider to see the unit* (7.69 percent favored people without disabilities compared with 0.00 percent that favored people with MI and I/DD in e-mail testing).
- *Less likely to be invited to inspect the unit* (21.26 percent favored people without disabilities compared with 16.47 percent that favored people with MI and I/DD in telephone testing).
- *More likely to be encouraged to look at a different unit than the one advertised*, a potential indicator of steering people with MI and I/DD toward specific buildings or areas within rental complexes, resulting in segregated living patterns.

Rates of adverse treatment also varied between disability types, with higher rates of adverse treatment noted for individuals with MI than for individuals with I/DD. This finding may indicate that individuals with MI face more negative stereotypes and stigma from housing providers and their agents.⁴⁴ This study, however, was not large enough to yield conclusive evidence about what motivation might be underlying the observed differential treatment between people with MI as compared with people with I/DD, nor was the study designed to examine differential discrimination based on type of MD. Future larger-scale research should explore these questions and might include additional focus groups with housing providers to discuss study findings and to seek housing providers' reactions and responses to the results of fair housing testing.

In both e-mail and telephone testing, a significant percentage of individuals with MI and I/DD also experienced adverse treatment with respect to requests for a reasonable accommodation. The reasonable accommodations requested were identified as specific to the protected tester's functional needs. The willingness of a housing provider to grant a request for a reasonable accommodation varied by mode of testing, with requests for a reasonable accommodation made by telephone receiving significantly more favorable responses than requests made by e-mail.⁴⁵ This finding may reflect the fact that housing providers were able to have a more personal or in-depth conversation with the tester with MD via telephone, resulting in more favorable responses to these requests. On the contrary, in e-mail testing, replies were often more formal and very limited in scope. These experiences may advise the use of telephone over e-mail testing in future large-scale discrimination testing.

Negative responses to testers' requests for a reasonable accommodation ranged from outright denials to more subtle barriers, such as indications that the individual with MD would be responsible for actively seeking out and appealing the denial of their request with higher-level managers whose name and contact information were then not provided.⁴⁶ These findings on responses to requests for reasonable accommodations further add to potential discrimination against people with

⁴⁴ This observation was supported in the qualitative data obtained from focus groups of people with MI that were conducted both before and after the testing to reflect on their experiences.

⁴⁵ In-person testing protocols did not include a request by the protected tester for a reasonable accommodation.

⁴⁶ In addition, testing results varied by rental market, with the rate of granting a reasonable accommodation request lowest in Chicago-Joliet-Naperville, IL-IN-WI (38.6 percent) and highest in Albuquerque, NM (75.5 percent).

MD, and it is recommended that reasonable accommodation requests be included in in-person testing in the future, using a test design similar to that used in telephone testing in this project, wherein requests for a reasonable accommodation are not made unless the tester is invited to inspect the unit.

This study also yielded significant findings on how to implement fully inclusive fair housing testing employing people with MD. All three modes of testing that were carried out (e-mail, telephone, and in person) showed promise for bringing testing for housing discrimination on the basis of MD to a national scale. Each produced a different form of testing data that not only yielded evidence of discrimination but also provided insights on opportunities for future testing.

Because online housing searches and e-mail communications with housing providers during these searches is anticipated to increase, efforts to use e-mail testing in this project should inform future e-mail testing. Observations include—

- E-mail testing is a relatively cost-effective method of tracking changes over time in discrimination in initial contacts people with MD have with housing providers (that is, trying to get in the door).
- Longitudinal data showing a change in the rates of differential treatment of people with MD could be efficiently collected by subsequent e-mail testing of the same sample of housing providers.
- E-mail could also be useful for monitoring how housing providers are responding to reasonable accommodation requests, if a followup e-mail is added to further interact on the reasonable accommodation request. This technique could also ensure that the housing provider is responding directly to the request as opposed to sending a scripted or form reply.

The in-person testing in this study that specifically involved testers with MD demonstrates that people with MI and I/DD can serve as effective testers when the proper training and supports are provided.

As the first large-scale in-person testing that had people with MD as testers, this project demonstrated the importance of disability-focused and directed training. The entire process of engagement with testers, from recruitment to training, testing, and debriefing, was grounded in constant feedback from the people with MD and members of the expert panel. The evidence from the in-person testing in this project suggests strongly that both populations can also conduct telephone testing if the same approach to training and debriefing is used. This project demonstrates that the training and use of disability

rights organizations to coordinate and debrief testers is a highly effective design for testing focused on disability and was a critical component of the successful completion of in-person testing in the given timeframe in this study.

The use of companion testers, although adding cost and coordinating time, resulted in several important benefits to the project, including—

- Providing valuable cognitive and emotional assistance to testers with MD before, during, and after each test.
- Providing a natural way to reveal the MD via a friend in conversation while viewing a unit.
- Providing a means to confirm what had been heard and to clarify what was observed during each test, thus providing richer data and field note observations.
- For testers who used public transit, companions often (although they were not expected to) provided transit assistance or went along on public transportation with the tester with MD, ensuring that both testers would get to appointments in a timely fashion.

Findings from this project, although important in documenting how housing discrimination may occur against people with MI and I/DD as they seek rental housing, are limited given the small sample sizes, particularly when attempting analyses on variations of treatment between subcategories of paired tests, such as gender, race, type of disability, and geography. Future research, done on a larger scale, could examine other important issues, for example—

- Are people with different types of MD, or different requests for other types of reasonable accommodations, met with less favorable responses or more discrimination?
- How do factors such as age, gender, race, and previous living status contribute to or interact with MD to affect rental housing access?
- How does income or economic status interact with MD to affect housing access and choice?
- How does the use of rent subsidies (for example, Housing Choice Vouchers) and other government-supported sources of income for housing affect housing access and choice for people with MD?

Finally, efforts to find protocols to study and test for housing discrimination after initial contact with a housing provider (for example, application results, before move in, after move in, changes in response to requests for reasonable accommodations over time, and criteria for lease termination) should continue.

Based on the results of the study, the authors make the following recommendations.

- A *broad-based education initiative* should be created to educate housing providers, including owners and landlords and their agents, about fair housing rights and obligations and about appropriate policies and practices when dealing with individuals with MI, I/DD, and other MD.
- Public and private housing, disability, and civil rights organizations should *redouble efforts to engage and educate the community of people with MI, I/DD, and other MD* about their rights under federal, state, and local antidiscrimination laws, how to recognize potential discrimination, and what actions to take when faced with discrimination.
- *Additional research* is necessary to better understand the scope and severity of the discriminatory barriers encountered by individuals with MI and I/DD as they seek, obtain, and retain accessible rental housing.
- *Individuals with MI and I/DD can and should be an integral part* of future housing research and testing, housing discrimination education initiatives, and efforts to strengthen housing policy to promote equal housing opportunity.

In addition, protected and companion testers involved in the in-person testing for this project offered the following summary recommendations for including people with MD in future housing discrimination research.

Project Leadership and Design

- Project leadership is deeply important to people with MD. Having test coordinator sites embedded within local disability and housing rights organizations was especially valuable in supporting testers with disabilities.
- Testing sites and all project members should actively foster commitment to, and belief in, the inclusion of people with MD at all stages of research projects.
- An inclusive project should foster coleadership, in which the research team and the protected community colead and collaborate to design and conduct discrimination research with a goal of bringing housing discrimination experts together with people with personal experience with disability to fully and accurately understand the actual experiences people have when seeking housing.
- Future testing should use experienced testers with MD (such as those from this project) and their experiences in protocol development and training as peer trainers and mentors in a train-the-trainer model.

Recruitment and Selection of Testers

- Reinforce responsibilities and expectations of participation with potential testers to encourage increased reliability and validity of findings.
- Provide sufficient time, resources, and expertise to recruit, select, and support team members with MD.
- Have a sustained selection process for testers and companion testers that allows for time to build relationships and develop a fit between test pairs.
- Involve experienced testers with MD in tester recruitment and selection as they also have key contacts and networks throughout protected communities.

Training and Data Collection

- Be proactive and flexible in accommodating team members with MD in training and data collection, including specific attention to strategies to make participation more accessible and inclusive to this community.
- Have a choice and range of supports and accommodations available to testers, and match emotional support to individual needs, adjusting the supports as needed as testers gain experience.
- Provide testers with choice throughout the process, including a choice of whether to stay with a companion tester or to choose another that is a better fit.
- Ensure that all testers have time to role-play, practice, and receive individualized feedback during trainings.
- Train companion testers to provide positive, effective support to testers with MD in a respectful, person-directed way.
- Assess the value of companion testers—between the added credibility and validity added to the capture of testing data versus the potentially unanticipated effect that their presence may actually decrease or buffer differential treatment.
- Design all materials, illustrations, role-plays, and videos in all training and data collection instructions and forms using clear, concise, and plain language.
- Use technology to enable people with MD to take on increasingly independent roles in testing, such as the use of voice-operated smartphones or tablets during data collection and reporting.
- Discuss in initial trainings the attitudes that may be encountered during tests and how to capture attitudes and treatment in more detail in reporting.

Appendix A: Qualitative Analyses and Findings on Overt and Subtle Discrimination Against People With Mental Disabilities by Different Testing Modes

The purpose of this additional indepth qualitative study was to provide detailed qualitative analyses of the overt and subtle discrimination experienced by people with mental disability (MD)—that is, people with mental illness (MI) and people with intellectual or developmental disability (I/DD)—as gathered from multiple sources including e-mail, telephone, and in-person testing, field notes, and tester debriefing reports. The following research questions were used to guide the qualitative analyses.

- Is there evidence of *subtle discrimination* on the basis of mental disability in the e-mail, telephone, and in-person tests conducted during this study, and what does it look like?
- Is there evidence of *overt discrimination* on the basis of mental disability in the telephone and in-person tests conducted during this study, and what does it look like?

Qualitative Analysis Methodology

The structure and process for the analyses was guided by Ahmed and Hammarstedt (2008), who examined subtle discrimination on the basis of sexual orientation in the rental housing market using e-mail testing, and by Hanson, Hawley, and Taylor (2011), who proposed a methodology for qualitatively analyzing e-mail contents for subtle discrimination. As in these previous studies, this study used matched-pair tests in that each pair was matched in key demographics (for example, age, gender, and race or ethnicity) except for MD status, with one tester having an identified MD and one tester not having MD.

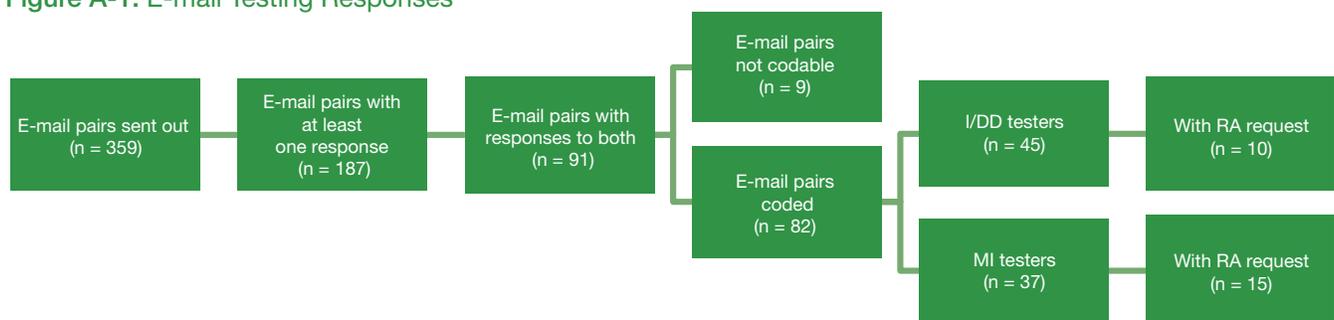
The tester with MD (protected tester) specifically disclosed having either MI or I/DD. This reveal occurred in multiple

ways: (1) disclosing having lived in a psychiatric facility or nursing home for the past year, (2) directly identifying himself or herself as a person with I/DD or MI, and (3) requesting a reasonable accommodation (that is, using an assistance animal or requesting a verbal rental payment reminder). The other tester in the pair (control tester) did not identify as having a disability and instead identified as someone who recently graduated from college or who had been living with his or her parents to show a matched previous rental history. Both testers in a pair were also given matching profiles that included similar income and job histories, at a level adequate to pay for a one-bedroom rental unit in that market, and other similar personal demographics other than disability status.

E-mail Testing

As reflected in the larger discrimination study, 359 e-mail pairs were sent out, including 176 pairs with testers with I/DD and 183 pairs with testers with MI. Out of those 359, 187 pairs received at least one response from an agent or landlord. To qualitatively compare the e-mails in this particular phase of the study, we selected only e-mail pairs that both received responses (n = 91 pairs). Of those 91 pairs, 9 were not codable for the following reasons: (1) different agent responded, (2) agent noticed the testing and test was not used, or (3) lack of qualitative data to code. Therefore, 82 pairs were codable, including 45 pairs with a tester with I/DD and 37 pairs with a tester with MI. Out of the 82 e-mail pairs, 25 e-mail tests also included a reasonable accommodation request that could be analyzed (see Figure A-1).

Figure A-1. E-mail Testing Responses



I/DD = intellectual or developmental disability. MI = mental illness. RA = reasonable accommodation.

Telephone and In-Person Testing

A total of 668 pairs participated in telephone tests of randomly selected available apartment ads across nine different metropolitan statistical areas (MSAs). In-person testing involved a visit to view the apartment by 101 pairs in the Chicago-Joliet-Naperville, IL-IN-WI, and the Washington-Arlington-Alexandria, DC-VA-MD-WV MSAs, 83 of which had valid qualitative data to additionally code. See Table A-1.

Table A-1. Samples of Telephone and In-Person Testing

Type	Sample	Type of Disability		Total
		I/DD	MI	
Telephone	Valid pairs	300	352	652
	Missing ^a	11	5	16
	Total	311	357	668
In person	Valid pairs	48	35	83
	Missing ^a	3	15	18
	Total	51	50	101

I/DD = intellectual or developmental disability. MI = mental illness.

^a Qualitative data were not available to code.

Data Analysis

A mixed-methods approach was used to analyze data, beginning with qualitative analyses, followed by quantitative frequency counts and analyses of summary themes, to answer the research questions and fully understand discrimination practiced by housing providers. Each type of testing used different data analysis methods, as described in the following section.

E-mail Testing Only: Quantitative Coding of Keywords Indicating Subtle Discrimination

The housing discrimination study by Hanson, Hawley, and Taylor (2011) provided significant guidance for the interpretation of the results of e-mail testing, especially because e-mail testing yields an explicit and defined text-based inquiry and response that can be analyzed verbatim.

Hanson, Hawley, and Taylor describe several dimensions of coding favorable and unfavorable treatment in landlord-tenant correspondence. They describe favorable treatment as including examples “if landlords describe the unit in a positive way, if they mentioned other available units, if they invited further contact, and if they used generally friendly language” (Hanson, Hawley, and Taylor, 2011: 281) and unfavorable treatment as asking the tenant for more information about their employment or background or also as using more discouraging language, such as emphasizing additional fees and building rules. In addition to the keyword list Hanson, Hawley, and Taylor created, the analysis here added more unfavorable and favorable treatment dimensions specific to MD (for example, asking for further disability-related information or disclosure) that were identified after a round of pilot coding.

Using the subtle discrimination keywords listed in Table A-2, two members of the study team coded the frequency of positive and negative languages used in e-mails. These counts were compared between the protected and control groups and divided into four categories: (1) present in neither, (2) present in both, (3) control group only, and (4) protected group only. Evidence of subtle discrimination was coded if positive language was shown more frequently in the control tester only or if negative language was more frequently present in the protected tester only.

Table A-2. Subtle Discrimination Indicator Keyword Groups

Category		Keywords					
Positive language categories							
Positive descriptive	New	Clean	Quiet	Nice	Good	Beautiful ^a	Other ^a (for example, wonderful)
View unit	Tour Show	Stop Come	Visit Meet	See View Look	Appointment ^a	Other ^a	
Tour time offered	Specific time	Range of time					
Prompts	Quick Hurry Fast	Today ^a Tomorrow ^a	Call	Application	Look forward to ^a	Other (for example, Let me know, questions)	
Greetings	Hi Hello Hey	Dear	Good morning/ afternoon	Others ^a			
Polite	Thank you Thanks	Sincerely	Regards Best	Please	Love to ^a Happy to ^a	Other ^a	
Other units		Second	Several	Other			
Negative language categories							
Fees	Application fee	Deposit fee	\$	Fee starting	Other ^a (for example,.. pet policy, move-in fee)		
Employment	Employment	Employer	Income	Paystub	Credit	Other ^a (for example, source of rent)	
Background	Criminal	Background	Verification Verify	Other ^a			
Discouraging	Already rented	No longer	Not available	Best wishes ^a	Good luck ^a	Other ^a	
History	Rental history	Eviction	Other ^a				
Negative descriptive	Old	Needs work	Other ^a				
Disability ^a	Disability Handicap Diagnosis	Medication Hospitalization	Treatment Treated	Accommodation	Service dog	Other (for example, mentally competent, caregiver)	

^a Indicates keywords that were added in this study.

Qualitative Interpretation and Grounded Theory Analysis: E-mail, Telephone, and In-Person Testing

Because additional qualitative data were available and new, given the focus on testers with MD in this study, a grounded theory qualitative approach was used to generate a framework to analyze and code both overt discrimination (as defined within the Fair Housing Act) and more subtle, potential discrimination. After coding the keywords, the two coders also qualitatively described their overall impression of each pair of e-mails, concerning subtle or overt discrimination (or both) against one tester. Each decision was associated with a description of evidence for subtle or overt discrimination or no subtle or overt discrimination, as identified by coders. If consensus on the discrimination status could not be reached between the two coders, a third, blinded member coded the e-mail to resolve the difference. By constant comparison of

these qualitative data, the findings were aggregated into themes. These themes then were used as criteria for determining subtle or overt discrimination.

Converting Qualitative Findings to Summary Frequency Counts: E-mail, Telephone, and In-Person Testing

Qualitative data were assigned a quantitative descriptive frequency count—if subtle, overt, or no discrimination was indicated—an assessment of whether the response showed or did not show an openness for further communication with the landlord. All quantitative data were entered into an SPSS 17.0. Descriptive analysis and cross-tabulation analysis were conducted to examine the frequency and proportion of different categories indicating subtle discrimination. McNemar’s Test was used to analyze the difference in treatment between the control and protected groups (McNemar, 1947), with a *p*-value of less than .05 used to indicate significantly different treatment between control and protected testers.

Results

E-mail Testing

Quantitative Analysis of Keywords Related to Subtle Discrimination

Quantitative analysis of keywords for positive and negative language shows significantly different treatment in several areas. The control group was more frequently given a specific or range of time to view an available housing unit or to meet the landlord ($p < .05$) when compared with protected testers with MD. E-mail responses to testers with MD showed a significantly higher use of discouraging words ($p < .05$). A trend also emerged of using positive language more often with control group only and negative language more often with the protected group only; however, the difference was not statistically significant in some cases. See Table A-3.

As shown in Table A-4, an analysis of positive and negative language used in e-mail responses showed that 34.1 percent of landlords practiced favorable treatment to people without disabilities by using at least one of the seven positive language categories. A total of 17.0 percent of landlords practiced

unfavorable treatment to people with MD by using at least one of the seven negative language categories. Combined, 37 e-mails (45.1 percent) showed at least one category of subtle discrimination present.

Qualitative Themes and Descriptive Frequency Counts on Subtle Discrimination

During e-mail testing, seven themes emerged related to subtle discrimination against the protected testers with MD. These themes were (1) more encouraging to control tester or more discouraging to protected tester; (2) more friendly, informal, or personalized with control tester or more formal or less personalized with protected tester; (3) more urgency, priority, or prompting of further action for control tester to view the unit; (4) agent made him or herself more available to control tester; (5) agent requested more effort or information from protected tester before moving forward; (6) agent (potentially inadvertently) discriminated against protected tester by asking about disability or discussing disability in a discouraging way; and (7) agent did not agree to or acknowledge reasonable accommodation requests related to MD. Each of the seven themes that emerged from the data is outlined in the following sections, followed by examples from field notes that epitomize

Table A-3. Response Difference in E-mail Content

Response	Present in Neither	Present in Both	Control Group Only	Protected Group Only	McNemar p -Value
Positive language					
Positive descriptive	45 (77.6%)	8 (13.8%)	2 (3.4%)	3 (5.2%)	1.000
View unit	14 (24.1%)	31 (53.4%)	8 (13.8%)	5 (8.6%)	0.581
Tour time offered	26 (44.8%)	18 (31.0%)	12 (20.7%)	2 (3.4%)	0.013*
Prompts	14 (24.1%)	37 (63.8%)	3 (5.2%)	4 (6.9%)	0.227
Greeting	12 (20.7%)	34 (58.6%)	7 (12.1%)	5 (8.6%)	0.774
Polite	8 (13.8%)	44 (75.9%)	4 (6.9%)	2 (3.4%)	0.687
Other units	56 (96.6%)	1 (1.7%)	0 (0.0%)	1 (1.7%)	1.000
Negative language					
Disability	52 (89.7%)	1 (1.7%)	0 (0.0%)	5 (8.6%)	0.063
Discouraging	49 (84.5%)	3 (5.2%)	0 (0.0%)	6 (10.3%)	0.031*
Background	57 (98.3%)	0 (0.0%)	0 (0.0%)	1 (1.7%)	NA
Employment	54 (93.1%)	3 (5.2%)	0 (0.0%)	1 (1.7%)	1.000
Fees	47 (81.0%)	5 (8.6%)	2 (3.4%)	4 (6.9%)	0.687
Negative descriptive	58 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	NA
History	58 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	NA

NA = not applicable.

Notes: $n = 58$ pairs. p -value < 0.05 indicates significantly different treatment between the two groups. Identical e-mail replies ($n = 24$) were not coded with this criterion. $n = 9$ did not have qualitative data available to code.

Table A-4. Subtle Discrimination Responses in Multiple Categories

Response	Number of Categories					
	0	1	2	3	4	5
Positive language to control class only	54 (65.9%)	21 (25.6%)	6 (7.3%)	—	1 (1.2%)	—
Negative language to protected class only	68 (83.0%)	11 (13.4%)	2 (2.4%)	1 (1.2%)	—	—
Negative and positive language against protected class only	45 (54.9%)	26 (31.7%)	8 (9.8%)	2 (2.4%)	—	1 (1.2%)

Notes: $n = 82$ pairs. $n = 9$ did not have qualitative data available to code.

it. In many cases, quotations were taken directly from landlord responses. In some cases, the researcher's analysis is summarized given the data supporting subtle discrimination, such as in the form of tone throughout or timing of the e-mail.

Theme 1: More encouraging to control tester or more discouraging to protected tester.

Researcher analysis: "Agent used more encouraging language with Control tester (C) ('your future home,' 'your new home'). Agent included list of amenities and photos of rental community with C [control tester] but not PC [protected tester]. C received two emails, while PC got one. The additional email C received had more information with the range of rates for 1BR and 2BR and included an easy link to schedule a visit." (12885)

Theme 2: More friendly, informal, or personalized with control tester or more formal or less personalized with protected tester.

Researcher analysis: "Both were invited for a visit. However, the agent introduced herself ('my name is Wendy the property manager'), asked for a contact number, and showed more willingness (e.g., 'I look forward to working with you in the very near future in obtaining an apartment!') to assist C and not to Protected Tester (P)." (12959)

Theme 3: More urgency, priority, or prompting of further action for control tester to view the unit.

Researcher analysis: "P [protected tester] emailed agent first, but agent responded to C first and C was given an earlier time slot to visit." (9668)

Researcher analysis: "No invitation to contact the landlord for P, while C was given the landlord's phone number." (12877)

Theme 4: Agent made him or herself more available to control tester.

Researcher analysis: "Landlord made himself only available during the working day to PC, but offered more availability to C." (11565)

To protected tester: "I can meet you at the building daily 10am-2pm. The unit is currently occupied till June 1."
To control tester: "I'm by the building every day, 9am-3:00pm. What's a good day/time for you?" (12140)

Theme 5: Agent requested more effort or information from protected tester before moving forward.

Researcher analysis: "PC asked the agent to suggest available hours, but the agent did not give PC these hours; instead, she told PC to call (extra step/effort that PC now needs to take)." (12133)

Researcher analysis: "Agent offered tour to C immediately, but for PC the invite was conditional ('Please introduce yourself a little bit more before make an appointment'). The landlord asked several questions about the tester's request for an assistance animal accommodation, income, and move in date and how many people would be renting." (11914)

Theme 6: Agent (potentially inadvertently) discriminated against protected tester by asking about disability or discussing disability in a discouraging way.

Researcher analysis: "Very subtle discrimination. Agent seems to be trying to be helpful with the parking situation, but says 'do you still want to see it?' as if this may have deterred PC. Never actually says to PC that unit is still available, but does to C." (12491)

Researcher analysis: "Well-meaning agent, but asks questions about disability and mentions needing to qualify based on the application to PC but not to C. The agent is polite to PC (offers to give reminder calls for rent, says would love to have as part of community, etc.), but still mentions the need for a formal application for PC but not C." (12946)

Theme 7: Agent did not agree to or acknowledge reasonable accommodation requests related to MD.

Researcher analysis: "PC asked about having an assistance dog as reasonable accommodation, but the agent responded with the building's pet policy and that certain breeds are not allowed in the building regardless of the disability accommodation request." (13249)

Researcher analysis: "Agent did not acknowledge the tester's reasonable accommodation request. PC email request: '...My dog is my assistance animal and I want to make sure she can stay with me in this apartment.' No response from landlord to this request." (12719)

Using these themes, each e-mail pair was coded as containing subtle discrimination or not (see Table A-5). This analysis showed that about 42.7 percent of the protected testers experienced some type of subtle discrimination against them, whereas only 2.4 percent of the control group did.

Table A-5. Subtle Discrimination in E-mail Testing

Subtle Discrimination Against the Protected Class	Count (Percentage)
Yes	35 (42.7%)
No	41 (50.0%)
Unclear	6 (7.3%)
Subtle discrimination against the control group	2 (2.4%)

Notes: n = 82 pairs. n = 9 did not have qualitative data available to code.

Quantitative Analysis of Reasonable Accommodation Requests

Of the 82 paired e-mail tests, 25 protected testers included a reasonable accommodation request in their initial inquiry (that is, asking for either a rent reminder or to have an assistance animal in the apartment). Of those inquiries, 23 e-mail pairs could be coded, of which the housing provider did not respond to or acknowledge the request in 16 cases and approved the request in 3 instances. In the remaining 4 instances, the landlord did not agree to the request. In other words, they responded negatively, such as “dogs are not allowed,” or inappropriately, such as asking about the size of the assistance animal before deciding whether they would accept the request. Both of these examples represent discriminatory practices. A subanalysis was conducted to explore which disability group or which type of reasonable accommodations were more or less likely to receive negative responses. See Table A-6.

Quantitative Analysis of the Status of Further Communication

The status and overall tone of further communication with the landlord was also coded to examine whether they left an open door (positive to view unit) or a closed door (negative to view unit). Although findings show that that the protected group

had slightly more closed-door episodes, significantly different treatment was not shown between the two groups in e-mail testing (Table A-7).

Table A-7. Open Door/Closed Door in E-mail Testing

Response	Control Group	Protected Group	McNemar's p-Value
Open door	53 (91.4%)	50 (86.2%)	0.223
Closed door	2 (3.4%)	4 (6.9%)	
Unclear	3 (5.2%)	4 (6.9%)	—

Notes: n = 58 pairs. Identical e-mail replies (n = 24) were not coded with this criterion. n = 9 did not have qualitative data to code.

Telephone Testing Findings

Qualitative Themes With Quantitative Analysis of Subtle Discrimination

During telephone testing, six themes emerged related to subtle discrimination against the protected tester. These themes were (1) more urgency, priority, or prompting of further action for control tester to view the unit; (2) more encouraging to control tester or more discouraging to protected tester; (3) more friendly, informal, or personalized with control tester or more formal or less personalized with protected tester; (4) agent requested more effort or information from protected tester before moving forward; (5) agent made him or herself more available to control tester; and (6) agent (potentially inadvertently) discriminated against protected tester by asking about disability or discussing disability in a discouraging way. The themes that emerged are summarized in the following section, followed by examples and quotations that epitomize them.

Unlike e-mail testing, telephone testing did not yield rental agent quotations. Instead, quotations represent field note excerpts or the tester’s own words describing the interaction with the agent.

Table A-6. Housing Provider Responses to RA Requests in E-mail Testing

Group	Type of RA Request	Number of RA Requests	Responses			Total
			Positive	Negative	None	
I/DD	Rent reminder	3	0	1	2	3
	Assistance animal	7	2	2	3	7
MI	Rent reminder	8	1	0	7	8
	Assistance animal	5	0	1	4	5
Totals		23	3	4	16	23

I/DD = intellectual or developmental disability. MI = mental illness. RA = reasonable accommodation.

Notes: n = 23 pairs. n = 2 did not have qualitative data to code.

Theme 1: More urgency, priority, or prompting of further action for control tester to view the unit.

- **Subtheme A:** More prompting or urgency for control tester to view the unit, complete an application, or follow up.

Quotation (to protected tester): “[The agent said] I do not give any information over the phone. Good bye.”

Quotation (to control tester): “The agent said would you like to come in today and see the apartment?”

Researcher analysis: “No information about apartment was given to PC, while C was given several details and invited to view the unit.” (16484)

- **Subtheme B:** Agent shows priority to control tester by requesting more information from him or her during the call.

Researcher analysis: “Agent asked for C’s last name, phone number and email address to contact them, but did not ask PC for this.” (12420)

Theme 2: More encouraging to control tester or more discouraging to protected tester.

- **Subtheme A:** More units or lease options offered to control tester.

Researcher analysis: “C offered more apartment options (with rents ranging between \$980 and \$1040) and different lengths of leases (3-13 months). PC offered one only (\$1010) and length of lease wasn’t discussed.” (12420)

- **Subtheme B:** More positive information given about the unit, community, or rental process to control tester or more negative information given to protected tester.

Quotation (to protected tester): “Deborah [landlord] also explained that Susan [renter] would need to make 3x the rent and have a credit score of 650 or better.”

Researcher analysis: “Agent mentioned income/credit requirement to PC tester only.” (12437)

Researcher analysis: “Agent told C about six amenities and did not tell PC about any. Also, PC was told the application process would take 7-10 days, while C was told it would only take 3-5 business days.” (16235)

Theme 3: More friendly, informal, or personalized with control tester or more formal or less personalized with protected tester.

Quotation (to control tester): “I asked if I would just come in and see the place and if I like it, I can rent it. He laughed and said, ‘if we like each other, then you can rent

it. It’s not just about you.’ I said fair enough. ... He asked if I was moving with someone else. I said no. He said that’s beautiful.”

Researcher analysis: “Agent was friendlier/joking with control tester and did not say anything like this to protected class tester. Also, agent cut off protected class tester when they were trying to justify their need for a reasonable accommodation.” (12115)

Theme 4: Agent requested more effort or information from protected tester before moving forward.

Quotation (to protected tester): “[Agent said tester’s granddaughter with a developmental disability must call to set up an appointment] “if she is really interested in an apartment.”

Researcher analysis: “The agent would not accept the protected class tester calling for her granddaughter. Instead, they required that the granddaughter call to set up the appointment herself, which requires extra effort and may not be possible for PC to do by self.” (15058)

Researcher analysis: “Agent asked for two pay stubs and/or proof of income from the protected class tester but not from the control tester.” (6696)

Theme 5: Agent made him or herself more available to control tester.

Quotation (to control tester): “He said that he is available today until 6pm and tomorrow from 9am-5pm to show me the unit if I was interested. ... He said I could give him a call on his line; he said the number is different than what I called. He gave me his personal line.”

Researcher analysis: “The control tester was told about the agent’s availability and office hours, whereas the protected class tester was not. Also, the control tester was given the agent’s personal/direct line, whereas the protected class tester was not.” (11955)

Theme 6: Agent (potentially inadvertently) discriminated against protected tester by asking about disability or discussing disability in a discouraging way.

- **Subtheme A:** Agent questions protected tester’s competence.

Quotation (to protected tester): “[The agent] was concerned that Susan (PC tester) would not be able to care for herself and may leave on the gas. I assured her that the counselors would not allow her to go on her own if they felt she would endanger herself.” (12250)

Quotation (to protected tester): “Is Denise (PC tester) able to care for the dog independently and clean up behind the animal?” (10980)

Quotation (to protected tester): [The protected tester asked for a rent reminder as a reasonable accommodation. The agent] “said he was willing to do that but he would hold me [family member calling] responsible. I explained that this would be her responsibility; she would just need the reminder when it was close to the time. He said that I told him that Denise had a ‘problem’ and she was autistic. He said that if he gave her the apt he would be willing to do what I asked. However, because she had a ‘problem’ ultimately I would have to be responsible because he couldn’t babysit her up there in that apt.” (12115)

- **Subtheme B:** Agent makes other assumptions about protected tester due to their disability.

Quotation (to protected tester): [Immediately after disability disclosure], “the agent asked if she [the tester’s sister with a developmental disability was on Section 8 or SSI.” (16593)

Quotation (to protected tester): “[The agent said], ‘you mentioned your brother needs to stay calm.’ She said ‘he isn’t violent?’ I said ‘no he isn’t.’ She said ‘we are going to do a credit/criminal background.’ [Agent] said ‘he doesn’t have anything on his record?’ I said, ‘no not a thing.’”

Researcher analysis: “The agent appears to be linking mental illness to violence and a criminal record, therefore insisting on the need for a background check. This appears to be evidence of stigma and stereotyping.” (11927)

Basing their analysis on these themes, coders summarized whether subtle discrimination was present (Table A-8). The results revealed that 63 percent of the protected testers experienced subtle discrimination, with a higher percentage (65.7 percent) among testers with I/DD.

Table A-8. Subtle Discrimination in Telephone Testing

Disability	Yes	No	Unclear	Total n
I/DD	197 (65.7%)	83 (27.7%)	13 (4.3%)	293
MI	214 (60.8%)	126 (35.8%)	9 (2.6%)	349
Totals	411 (63.0%)	209 (32.1%)	22 (3.4%)	642

I/DD = intellectual or developmental disability. MI = mental illness. Notes: n = 642 pairs. 10 pairs were not coded because disability was not disclosed during testing. 16 pairs did not have qualitative data to code.

Qualitative Themes With Quantitative Analysis: Overt Discrimination

Three themes emerged related to overt discrimination that would be covered explicitly under the FHA. These themes were (1) only the protected tester received a negative response about availability of the unit, (2) fees or rent rates quoted were higher for only the protected testers, (3) the agent made overt comments related to disability, and (4) the agent denied reasonable accommodation requests.

Theme 1: Only the protected tester received a negative response about the availability of the unit.

Researcher’s analysis: “Initially said unit available then changed the answer after disability disclosure, saying “call back next week.” (15339)

Researcher’s analysis: “To PC, agent said that ‘the apartment would be rented by the end of the week’ because they have enough applicants whereas to C, the one bedroom was available and information was given on how to view.” (12698)

Theme 2: Fees or rent rates quoted were higher for only the protected testers.

Researcher’s analysis: “PC tester was told rent for apartment was \$1,325. Control tester was told and got from ad that rent was \$1,005 for the same apartment.” (12165)

Researcher’s analysis: “Agent required 1 month security deposit from PC tester, none for C.” (6728)

Researcher’s analysis: “Security deposit for Protected Class tester is \$99 to one month’s rent (\$1005), for Control tester is \$99 to \$300.” (7528)

Theme 3: The agent made overt comments related to disability.

Quotation: [To a question about the process for application], “I have no process, I’m pretty busy I have no more time to talk” and “if she needs rent reminder she needs to stay in the group home and I have no more time to talk to you. Good bye.” (14442)

Quotation: “We need to keep the crazies out” regarding criminal and credit background check. (14532)

Quotation: “Do you think that she should consider renting an apartment if someone needs to remind her to pay the rent?” (15342)

Quotation: “She said no, we are not the type of property that deals with people with, mental cases. I don’t really know how to say it, but yeah, mental cases.” (11619)

Theme 4: The agent denied reasonable accommodation requests.

- Subtheme A:** Agent denies the request directly and unequivocally.

Quotation: “Absolutely No! That’s up to the family to handle if you want her to rent an apartment here.” (8768)

Quotation: “She told me they don’t allow pets under any circumstances.” (13433)
- Subtheme B:** Agents not knowing the legal rights of people with disabilities and needing to ask their managers or consult with others (for example, homeowners’ association) to provide the testers with the answer.

Quotation: Agent said, “she is not sure about the rent reminder but she would inquire with the main office about it and would get back to me.” (12462)

Researcher analysis: “Landlord was unsure about assistance animal and stated that he ‘needs to ask the home owner’s association.’” (14472)
- Subtheme C:** Verbal rent reminder request not accepted, but alternative methods (for example, e-mail reminder, written reminder, auto payment plan) offered.

Quotation: “When asked about the rent reminder I was informed that they only provide a five day written notice for those who are in jeopardy of being late.” (12108)
- Subtheme D:** Assistance animal request was often denied based on general no pet policy or weight or size policy, or accepted but with additional pet fee charges.

Quotation: Agent said “she is sorry but no pets are allowed. I said my brother has his doctor’s documentation. She said she is sorry but they have a no pet policy.” (12968)

Quotation: “I asked if the fees could be waived and she [agent] explained that they could not be waived because they would have to do it for everyone.” (13345)

Researcher analysis: Agent said that “pet over 25lbs is usually not allowed but it would be ok with documentation. However, pet fee cannot be waived.” (21474)
- Subtheme E:** Agent not acknowledging the need of an assistance animal for a person with MD.

Quotation: “Support animal is not permissible unless the resident was blind.” (10985)

Overt discrimination was determined based on these themes, with results showing that approximately 57 percent of the protected testers experienced overt discrimination (see Table A-9). No significant difference was found by type of MD (MI or I/DD).

Table A-10 summarizes differences in responses between type of requests and between different disability testers.

Table A-9. Overt Discrimination in Telephone Testing

Disability	Yes	No	Unclear	Total n
I/DD	168 (57.3%)	122 (41.6%)	3 (1.0%)	293
MI	202 (57.9%)	141 (40.1%)	6 (1.4%)	349
Totals	370 (57.6%)	263 (41.0%)	9 (1.4%)	642

I/DD = intellectual or developmental disability. MI = mental illness. Notes: n = 642 pairs. 10 pairs were not coded because disability was not disclosed during testing. 16 pairs did not have qualitative data available to code.

Table A-10. Housing Provider Responses to RA Requests in Telephone Testing

Group	Type of RA Request	Number of RA Requests	Responses	
			Positive	Negative
I/DD	Rent reminder	147	79 (53.7%)	68 (46.3%)
	Service animal	131	70 (53.4%)	61 (46.6%)
MI	Rent reminder	182	76 (41.8%)	106 (58.2%)
	Service animal	155	90 (58.1%)	65 (41.9%)
Totals		615	315 (51.2%)	300 (48.8%)

I/DD = intellectual or developmental disability. MI = mental illness. RA = reasonable accommodation. Notes: n = 615 pairs. 37 protected testers were not included in the analysis because they did not request RA during their testing.

Quantitative Analysis of Status of Further Communication

Coding of the status of further communication with the landlord revealed that the protected testers experienced significantly more closed-door or negative communications, whereas control testers experienced more open-door, positive communications. Table A-11 summarizes the disposition of closed-door versus open-door responses among the control group testers and protected class testers.

Table A-11. Open Door/Closed Door in Telephone Testing

Response	Control Group	Protected Group	McNemar’s p-Value
Open door	571 (88%)	311 (47.7%)	0.000
Closed door	46 (6.4%)	205 (31.4%)	
Unclear	35 (5.4%)	136 (20.9%)	

Note: n = 652 pairs.

In-Person Testing Findings

Qualitative Themes With Quantitative Analysis: Subtle Discrimination

During in-person testing, six themes emerged related to subtle discrimination against the protected tester. These themes were (1) more urgency, priority, or prompting of further action for control tester to submit an application, follow up, or continue the rental process; (2) more encouraging to control tester or more discouraging to protected tester; (3) more friendly, informal, or personalized with control tester or more formal or less personalized with protected tester; (4) agent requested more effort or information from protected tester before moving forward; (5) agent made him or herself more available to control tester; and (6) agent (potentially inadvertently) discriminated against protected tester by asking about disability or discussing disability in a discouraging way.

The themes and accompanying subthemes that emerged from the data are outlined in the following list and are followed by quotations that epitomize them. Similar to telephone testing data, in-person testing data were taken from tester field notes that testers wrote on completion of the test. The quotations that follow each theme are field note excerpts, or the tester's own words describing the interaction with the agent. Researcher analyses are interpretations or summaries of the tester field note excerpts.

Theme 1: More urgency, priority, or prompting of further action for control tester to submit an application, follow up, or continue the rental process.

- **Subtheme A:** More prompting or urgency for control tester to continue the rental process.

Researcher analysis: "The agent told the control tester to please give him a call when they make the decision, that they won't find a better unit, and that the unit may go fast. The agent did not say these things to the protected class tester." (16213)

- **Subtheme B:** Agent shows priority to control tester by requesting more contact information from them.

Researcher analysis: "The control tester was asked to provide their ID, phone number, and email before the tour while the protected class tester was only asked to provide their ID. This is evidence of being more interested in following up with or giving priority to the control tester." (14056)

Theme 2: More encouraging to control tester or more discouraging to protected tester.

- **Subtheme A:** More units or amenities shown, more options offered, or both to control tester.

Researcher analysis: "The control tester's tour included two apartments, the business center, mailroom, and gym area while the protected class tester's tour only included one apartment. Second, the protected class tester was offered one apartment while the control tester was offered three apartments." (14082)

- **Subtheme B:** More positive information given about the unit, community, or rental process to control tester or more negative information given to protected tester.

Researcher analysis: "The control tester was given notes on floor plans and the protected class tester received verbal information only. Also, the control tester was told about more amenities (parking, business center, dry cleaning service, package receiving service, storage facilities, security deposit, close to everything including grocery store), while the protected class tester was told about fewer amenities (close to metro, gym) and was also given extra discouraging information (that utilities are not included in the rent)." (14082)

Researcher analysis: "The protected class tester was told about more income/fee requirements. Additionally, they were told that the application process would take 4-7 days, while the control tester was told it would take only 3-4 days. Finally, the agent told the protected class tester that there was crime in the building/on the property and did not say this to the control tester." (13939)

Theme 3: More friendly, informal, or personalized with control tester or more formal or less personalized with protected tester.

Quotation (to control tester): "[The agent] introduced me to [another staff member] and said that her name was 'Shirley.' ... We returned to the Leasing Office and Shirley asked me if I had seen anything that I liked. I said that I had. Lindsay mentioned to her that I was looking for my first apartment."

Researcher analysis: "The agent introduced the control tester to another staff member and initiated conversation between them, which is evidence of being friendly and personalized with this tester. The agent did not introduce the protected class tester to any other staff members. Also, the agent offered the control tester several decorating tips on what to do with the space and pointed out the track lighting, which she did not do with the protected class tester, thus showing friendliness and personalization once again." (14082)

Theme 4: Agent requested more effort or information from protected tester before moving forward.

Researcher analysis: “The agent told the protected class tester that no flyers were available and asked the tester to check the website for them. Conversely, when meeting with the control tester, ‘went over to a file and retrieved a flyer which listed information about the apartments, including their features, rental rates, fees, and what was needed to apply.’” (14619)

Theme 5: Agent made himself or herself more available to control tester.

Researcher analysis: “The agent opened the unit door and left the protected class testers to look around the (smelly, uncleaned) unit by themselves. The control tester was accompanied by the agent when viewing the unit. Additionally, the agent provided the control tester with her name, phone number, and office hours, but only provided the protected class testers with her name and phone number but no office hours.” (14619)

Theme 6: Agent (potentially inadvertently) discriminated against protected tester by asking about disability or discussing disability in a discouraging way.

- **Subtheme A:** Agent questions protected tester’s competence.

Researcher analysis: “The agent addressed the protected class companion tester when asking/answering questions, rather than speaking with the tester with a disability, who was the one actually seeking to rent the unit.” (15082)

- **Subtheme B:** Agent makes other assumptions about protected tester due to their disability.

Researcher analysis: “The agent mentioned Section 8 housing to the protected testers, who replied by saying they were actually looking for market rental housing, not Section 8 housing. Even after the testers made this clarification, the agent still mentioned Section 8 housing a second time.” (13783)

Based on these themes, subtle discrimination was coded (Table A-12). In all, 45 protected testers (54.2 percent) experienced

Table A-12. Subtle Discrimination in In-Person Testing

Disability	Yes	No	Unclear	Total
I/DD	23 (47.9%)	24 (50.1%)	1 (2.0%)	48
MI	22 (62.9%)	13 (37.1%)	0 (0.0%)	35
Totals	45 (54.2%)	37 (44.6%)	1 (1.2%)	83

I/DD = intellectual or developmental disability. MI = mental illness. Notes: n = 83 pairs. 18 pairs did not have qualitative data to code.

subtle discrimination during their visit to the apartment, with a higher percentage of subtle discrimination (62.9 percent) experienced by testers with MI.

Qualitative Themes With Quantitative Analysis: Overt Discrimination

In in-person testing, similar themes to those in telephone testing emerged related to overt discrimination; however, reasonable accommodation requests were not done during the in-person testing.

Theme 1: Only the protected tester received a negative response about the availability of the unit.

Researcher analysis: “Units were not available for PC to view. The agent went to make copies of PC’s ID before showing the units, talked to another staff for 3-4 mins, and came back out saying that contractors are working in both units thus units so not available for viewing. No further invite was offered to come back to see the units after the work is done. C was able to view units.” (14284)

Theme 2: Fees or rent rates quoted were higher for only the protected testers.

Researcher analysis: “To C agent said that there is no security deposit and now they do non-refundable move-in fee of \$200. PC was told that there is a one month security deposit (\$1005).” (14283)

Theme 3: The agent made overt comments related to disability.

Researcher analysis: “Agent inquired about nature and severity of disability. Agent asked what kind of disability PC has.” (16521)

Table A-13 shows the analysis of occasions of overt discrimination. Far less overt discrimination occurred in the in-person testing than in the telephone testing. Out of 83 testers, 11 protected testers (13.3 percent) experienced overt discrimination. The discrimination rate was higher with testers with MI.

Table A-13. Overt Discrimination in In-Person Testing

Disability	Yes	No	Unclear	Total
I/DD	4 (2.1%)	43 (89.6%)	1 (2.1%)	48 (100%)
MI	7 (20.0%)	28 (80.0%)	0 (0.0%)	35 (100%)
Totals	11 (13.3%)	71 (85.5%)	1 (1.2%)	83 (100%)

Notes: n = 83 pairs. 18 pairs did not have qualitative data to code.

Quantitative Analysis of Status of Further Communication

Coding of the status of further communication with the landlord shows that the protected group had slightly more occasions when further communication was closed, but the differences were not significant (Table A-14).

Table A-14. Open Door/Closed Door in In-Person Testing

Response	Count (Percent)		McNemar's p-Value
	Control Group	Protected Group	
Open door	81 (97.6%)	78 (94.0%)	0.250
Closed door	2 (2.4%)	5 (6.0%)	

Notes: n = 83 pairs. 18 pairs did not have qualitative data to code.

Discussion and Conclusions

This mixed-methods approach to qualitatively analyzing data, followed by summarizing findings quantitatively to examine differences between people with and without MD in market rental searches, produces new and significant findings that further document specific examples and frequencies of both subtle and overt housing discrimination against people with MI and I/DD. These findings, including implications for education and training of housing providers on the FHA and specifically on reasonable accommodations based on MD within rental housing, are summarized in this section.

Telephone Testing

- Some agents specifically cited the FHA but misinterpreted it. They said that they follow the FHA and, therefore, they cannot give anyone special treatment—they need to treat everyone the same. This finding seems to show progress in that they are aware of the FHA and are trying to follow it, but more education about disability reasonable accommodations is needed.
- A trend that emerged was that, with some protected testers with I/DD, the agent appeared excited about renting the unit to the tester and would cite positive safety amenities of the unit and building (for example, gated community) but would later ask for extra eligibility requirements, fees, or verification. This practice seems to show intent to initially appear fair, encouraging, and open to the tester but to later subtly discriminate by making it more difficult for protected testers to rent.
- Some agents did not know about their ability to approve a reasonable accommodation and had to ask a manager

before providing the protected tester with an answer. In a few cases, however, the agents asked the manager while on the call and then approved the reasonable accommodation request. This finding shows that, although many agents are still not trained in fair housing requirements, some are making the effort to ensure they are giving the prospective tenant the correct answer. Also, the managers in these cases are knowledgeable about the FHA and reasonable accommodations, which demonstrates the positive effect the law has had in recent years.

- For protected testers who asked for an assistance animal reasonable accommodation, some agents would ask questions related to the building's pet policy. For example, some agents asked the breed or size of the animal, and, although the agents ended up approving the reasonable accommodation request because the tester's animal fit the pet policy parameters, this request would likely have been denied if the tester had a different assistance animal that did not fit general requirements. This practice shows potential discriminatory behavior, but it did not play out in these particular cases due to the tester's scenario rather than the agent's decision or behavior.

Both Telephone and In-Person Testing

- Protected testers were often told that an application fee would be charged for each adult applicant, whereas control testers were told about this extra fee less often. Even when protected testers clarified that only the person with a disability would be applying for and renting the unit, some agents still felt the need to reiterate this additional fee.

Differences Detected

- Overt discrimination practice was found to be much more likely in telephone testing (57 percent) than in in-person testing (13 percent). One potential explanation of the lower overt discrimination rate in in-person testing is that, in in-person testing, the testers had already made an appointment in advance and knew the unit was ready to be viewed. In telephone testing, however, many protected testers were told that units were not available compared with control testers who were given information about available units. Open door/closed door analysis supports that a significant difference in unit availability exists between control and protected testers.
- Subtle discrimination occurred to more than one-half of the protected testers in both telephone (63 percent) and in-person testing (54 percent). During in-person testing,

agents could not overtly discriminate because the testers were already there to view the unit, but the agents still practiced subtle discrimination with the intention of discouraging the protected tester from taking the next step or as a result of asking about MD.

- During in-person testing, testers with MI showed higher discrimination rates than testers with I/DD in both subtle

and overt discrimination, whereas during telephone testing discrimination rates against testers with MI and I/DD were similar. Given the fact that the in-person tests were conducted by persons with MI and I/DD, as opposed to the telephone tests, which were conducted by proxies, this observation adds weight to the notion that persons with MI experience higher rates of housing discrimination when compared with persons with I/DD.

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