

LGBT Housing Discrimination in the City of Akron



Prepared by Fair Housing Contact Service with support from the Gay Community Endowment Fund of the Akron Community Foundation

Background

In 2009, the City of Akron's fair housing protections located in Akron Municipal Code §139.12 were revised by Ordinance 514-2009, §1 to include protections from housing discrimination on the bases of sexual orientation and gender identity.¹ On March 5th, 2012 the U.S. Department of Housing and Urban Development's (HUD) "LGBT Rule" went into effect prohibiting discrimination on the bases of sexual orientation, gender identity, and marital status in all HUD-funded programs.²

Two recent studies help illuminate the continued need to provide additional protections such as those described above, and also the need to monitor possible housing discrimination against LGBT individuals. A national survey of 6,450 transgender and gender non-conforming persons revealed that 19% were refused an apartment or a house because of their gender identity or sexual orientation.³ A study by fair housing agencies in Michigan, where sexual orientation and gender identity are protected in many municipalities, identified discrimination on the basis of sexual orientation in 27% of tests conducted.⁴

Project Description

With support from the Gay Community Endowment Fund of the Akron Community Foundation, Fair Housing Contact Service (FHCS) investigated housing discrimination against individuals on the bases of sexual orientation and gender identity to see if local housing providers were complying with these changes in legislation. FHCS also held several community meetings and distributed literature to

¹ Akron, Ohio Municipal Code §139.12

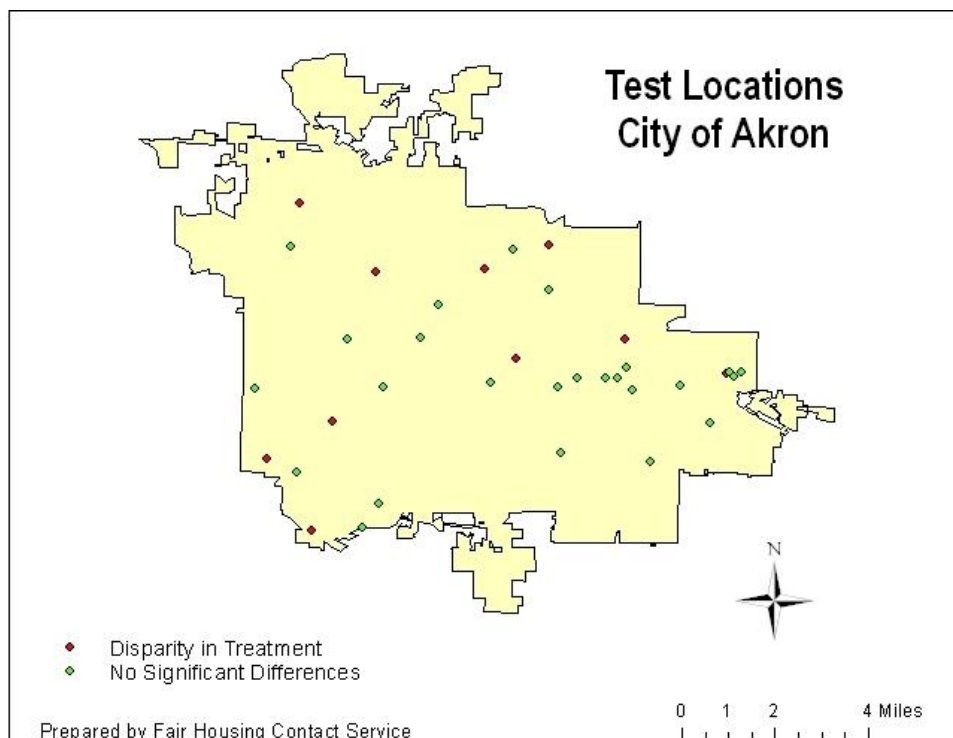
² "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, Final Rule." *Federal Register* 77 (3 February 2012):5662-5676.

³ Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011. (http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf)

⁴ Fair Housing Center of Southeast Michigan. *Sexual Orientation and Housing Discrimination in Michigan: A Report of Michigan's Fair Housing Centers*. 2007(http://www.fhcmichigan.org/images/Arcus_web1.pdf)

residents and housing providers on their respective rights and responsibilities under these expanded protections.

FHCS performed 40 fair housing tests within the city of Akron to investigate housing discrimination on the bases of sexual orientation and gender identity. A “test” can be defined as a simulated housing transaction to investigate how a landlord treats certain types of people. Typically a test would be based on one of the protected classes identified in federal or state law such as: race or color, sex, national origin, disability, religion, family status, ancestry, or military status. In this study, FHCS tested landlords via e-mail, phone, and on-site investigations to see how housing providers would treat a same-sex couple compared to a heterosexual couple. Testing locations were chosen randomly from advertisements placed on Craigslist, as long as the property was within the city of Akron. FHCS carried out tests with both male and female same-sex couples, and also tests based on gender identity. In email tests the only significant difference within correspondences was that the sexual orientation of the couple was identified by using clearly gender-associated names. In onsite and phone tests, the same-sex couples were provided better income and credit than the control couples to make them the more attractive tenants. Race and other possible factors that might impact testing results were controlled to target sexual orientation or gender identity. Once completed, a test was coded as having, “No Significant Differences,” or “Disparity in Treatment.”



Results

Fourteen of 40 or 35% of tests resulted in “**Disparity in Treatment**” based on sexual orientation or gender identity. **Nine of 19 or 47% of email tests** resulted in “**Disparity in Treatment.**” The most common form of disparity was the failure to respond to an email inquiry, occurring in **over 25%** of email tests performed. Other forms of unequal treatment towards same-sex couples included additional background checks, fewer units made available to see, and less favorable or fewer appointment options to view the unit. FHCS’s findings reinforce a recent HUD study released in June 2013. “*An Estimate of Housing Discrimination Against Same-Sex Couples,*” also found heterosexual couples received preferential treatment in the online housing market. While HUD’s study focused exclusively on the internet, the primary manner in which this discrimination occurred was also the failure to respond to an email inquiry.⁵

Conclusions & Recommendations:

- These findings indicate housing discrimination on the bases of sexual orientation and gender identity may be a significant challenge for the LGBT community in the city of Akron despite expanded local and federal protections.
- Housing providers and property managers are utilizing subtle forms of discrimination, such as screening emails when enough information is present to be able to do so, instead of utilizing overtly discriminatory behavior or language. Failure to respond to an email or phone inquiry from a potential tenant that can be identified as LGBT is the most likely way that this discrimination will occur.
- Landlords and housing providers should continue to receive educational materials and other outreach dedicated to helping them understand their rights and responsibilities to the LGBT community and other protected classes. Prospective tenants also need to be properly educated and made aware of these protections to help ensure their own rights are protected while looking for a home.
- According to Akron Municipal Code §139.12 as revised by Ordinance 514-2009, §1, housing discrimination on the bases of sexual orientation and gender identity is a first-degree misdemeanor.⁶ As a criminal matter this charge carries a much higher standard of proof than a civil case requires for successful prosecution. In criminal cases, the prosecutor and FHCS must demonstrate that the accused party discriminated *beyond a reasonable doubt*. However, if this ordinance were to become a civil matter, FHCS would have to demonstrate a *preponderance of evidence*. In other words, FHCS must prove only prove there is a greater than 50% chance that the defendant engaged in discriminatory practices.

⁵ U.S. Department of Housing and Urban Development. *An Estimate of Housing Discrimination Against Same Sex Couples*. Executive Summary. By M.Davis and Company Inc., S. Friedman, A. Reynolds, Et al. Pg. VII. Available at: http://www.huduser.org/portal/publications/fairhsg/discrim_samesex.html. Accessed: 6/18/2013.

⁶Akron, Ohio Municipal Code §139.12

- As detailed in the previous recommendations, proper education and enforcement are both necessary to help increase fair housing opportunity for the LGBT community in Akron. As this study and others demonstrate, housing discrimination is still a significant barrier for the LGBT community to overcome. Without proper enforcement and education, Akron residents, regardless of sexual orientation and gender identity, will be denied the many benefits that come with living in open and diverse communities.

Appendix: Testing Results

| Test # | Date | Same-Sex Gender | Type | Zip | Property | Bedrooms | Response | Type of Disparity |
|---------------|-------------|------------------------|-------------|------------|-----------------|-----------------|----------------------------|---|
| 1 | 4/10/2013 | Female | Email | 44314 | Apartment | 1 | No Significant Differences | N/A |
| 2 | 4/10/2013 | Male | Email | 44305 | House | 2 | Disparity in Treatment | Additional Appointment Information Provided |
| 3 | 4/11/2013 | Male | Email | 44314 | House | 3 | Disparity in Treatment | Failure to Respond |
| 4 | 4/11/2013 | Female | Email | 44304 | Apartment | 1 | Disparity in Treatment | Additional Properties Offered |
| 5 | 5/9/2013 | Female | Email | 44303 | House | 2 | No Significant Differences | N/A |
| 6 | 5/10/2013 | Male | Email | 44305 | Apartment | 2 | No Significant Differences | N/A |
| 7 | 5/14/2013 | Male | Email | 44305 | House | 2 | Disparity in Treatment | Failure to Respond |
| 8 | 5/14/2013 | Female | Phone | 44305 | Apartment | 2 | No Significant Differences | N/A |
| 9 | 5/15/2013 | Male | Phone | 44306 | House | 2 | No Significant Differences | N/A |
| 10 | 5/30/2013 | Female | Email | 44305 | Apartment | 1 | Disparity in treatment | Failure to Respond |
| 11 | 5/30/2013 | Female | Phone | 44320 | House | 2 | No Significant Differences | N/A |
| 12 | 5/30/2013 | Male | Onsite | 44312 | Apartment | 1 | No Significant Differences | N/A |
| 13 | 31-May | Male | Phone | 44314 | Apartment | 1 | No Significant Differences | N/A |
| 14 | 5/31/2013 | Female | Onsite | 44320 | Apartment | 1 | Disparity in treatment | Additional Properties Offered |
| 15 | 6/6/2013 | Male | Email | 44307 | House | 1 | No Significant Differences | N/A |
| 16 | 6/7/2013 | Male | Onsite | 44320 | Apartment | | Disparity in treatment | Additional Properties Offered |

| Test # | Date Test Completed | Same-Sex Couple's Gender | Type | Zip | Property Type | Bedrooms | Response | Type of Disparity |
|--------|---------------------|--------------------------|--------|-------|---------------|----------|----------------------------|---|
| 17 | 6/18/2013 | Female | Onsite | 44305 | Apartment | 1 | No Significant Differences | N/A |
| 18 | 6/12/2013 | Female | Email | 44310 | House | 3 | Disparity in treatment | Failure to Respond |
| 19 | 6/14/2013 | Female | Phone | 44305 | Apartment | 1 | No Significant Differences | N/A |
| 20 | 6/14/2013 | Male | Email | 44313 | Apartment | 2 | Disparity in treatment | Failure to Respond |
| 21 | 6/17/2013 | Female | Email | 44303 | Apartment | 1 | Disparity in treatment | Additional Appointment Information Provided |
| 22 | 6/17/2013 | Male | Phone | 44302 | Apartment | 2 | No Significant Differences | N/A |
| 23 | 6/19/2013 | Male | Onsite | 44305 | Apartment | 1 | No Significant Differences | N/A |
| 24 | 6/21/2013 | Male | Email | 44314 | House | 2 | Disparity in Treatment | Failure to Respond |
| 25 | 6/24/2013 | Female | Email | 44314 | Duplex | 2 | No Significant Differences | N/A |
| 26 | 6/24/2013 | Male | Email | 44313 | Apartment | 2 | No Significant Differences | N/A |
| 27 | 6/24/2013 | Male | Email | 44311 | House | 4 | No Significant Differences | N/A |
| 28 | 7/3/2013 | Female | Phone | 44306 | Apartment | 1 | No Significant Differences | N/A |
| 29 | 7/3/2013 | Female | Phone | 44305 | Apartment | 1 | No Significant Differences | N/A |
| 30 | 7/8/2013 | Male | Phone | 44320 | House | 2 | No Significant Differences | N/A |
| 31 | 7/9/2013 | Male | Phone | 44305 | House | 2 | No Significant Differences | N/A |
| 32 | 7/11/2013 | Female | Onsite | 44314 | House | 2 | Disparity in Treatment | Additional Checks |

| Test # | Date Test Completed | Same-Sex Couple's Gender | Type | Zip | Property Type | Bedrooms | Response | Type of Disparity |
|---------------|----------------------------|---------------------------------|-------------|------------|----------------------|-----------------|----------------------------|--------------------------|
| 33 | 7/16/2013 | Male | Onsite | 44314 | House | 2 | Disparity in Treatment | Additional Checks |
| 34 | 7/25/2013 | Female | Onsite | 44310 | Apartment | 1 | No Significant Differences | N/A |
| 35 | 7/30/2013 | Gender Identity Test | Onsite | 44310 | Apartment | 1 | Disparity in Treatment | Additional Checks |
| 36 | 8/8/2013 | Female | Onsite | 44305 | Apartment | 2 | No Significant Differences | N/A |
| 37 | 8/8/2013 | Gender Identity Test | Onsite | 44305 | Apartment | 2 | No Significant Differences | N/A |
| 38 | 8/9/2013 | Male | Email | 44310 | House | 3 | No Significant Differences | N/A |
| 39 | 8/12/2013 | Male | Email | 44305 | Apartment | 2 | No Significant Differences | N/A |
| 40 | 8/12/2013 | Female | Email | 44312 | Apartment | 2 | No Significant Differences | N/A |