

# *Use of Testing in Research and Fair Housing Enforcement*

Presentation by

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## ❖ **Introductory Comments**

- **Background and Experience Primarily as a Testing Practitioner in the Fair Housing Law Enforcement Field**
- **Worked 3 of the 4 National Housing Discrimination Studies Sponsored by HUD as well as Other Research Projects that Utilize Testing**
- **Will Focus my Brief Remarks on Some of the Challenges Associated with Using Testing to Measure the Level of Racial Discrimination in Housing Markets**

## ❖ **The Nature of Housing Discrimination Has Changed**

- **Two Observations About the Reality of Contemporary Housing Discrimination:**
  - 1. Many Fair Housing Violators Engage in Discriminatory Conduct that is Designed to Elude Detection**
  - 2. Housing Discrimination Takes Many Different Forms and is More Nuanced or Subtle Today**
- **The Implications of these Two Simple Observations Portend Significant Challenges for Research and Fair Housing Enforcement**

## ❖ Use of Testing to Conduct Research Aimed at Measuring Racial Discrimination in Housing

### ➤ Issues and Concerns:

#### ○ Challenges in Sampling the Rental Market

- Many rental housing providers engage in no advertising or selective advertising; rely on word of mouth or referrals from existing tenants; or use real estate agents and online services to locate prospective tenants.



➤ **Issues and Concerns: (continued)**

- **Use of Standardized HDS Pre-Application Matched Paired Testing Protocols Inadequate**
  - **Nature and range of discriminatory conduct requires a greater diversity of testing approaches (which are currently used by testing organizations involved in fair housing enforcement).**
- **Concerns about Treatment Variables Used to Analyze Test Results**
  - **Selected treatment variables and their application (e.g., hierarchical rankings leading to a conclusion of “minority-favored” or “white-favored,” etc.) often do not accurately characterize treatment or capture prohibited practices under fair housing laws**



➤ **Moving Forward with Research that Advances Our Understanding of Contemporary Housing Discrimination**

○ **Some Concluding Thoughts:**

- National studies that employ paired testing to evaluate the extent of racial discrimination in the housing market are not likely to yield meaningful measures for all of the reasons I described.
- Plenty of opportunities to conduct other research aimed at informing policy-makers and enforcement practitioners about how discrimination based on race and other protected characteristics infects housing transactions and adversely impacts local and regional housing markets.