



May 2021 AUDIT REPORT

# **AN INVESTIGATION OF DISABILITY DISCRIMINATION IN RENTAL HOUSING**

**IN MARIN, SONOMA & SOLANO COUNTIES**



**FAIR HOUSING ADVOCATES  
OF NORTHERN CALIFORNIA**

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## FOREWORD

Housing is more than merely a roof over a person's head. The ability to freely seek out and choose one's housing, in any community, without facing actual or perceived barriers, is crucial in allowing a person to achieve independence, economic self-sufficiency, social acceptance, and professional and educational opportunities. Since 1923, the U.S. Supreme Court has recognized the right to "establish a home" as one of the fundamental liberties protected by the Due Process Clause of the U.S. Constitution.<sup>1</sup>

The purpose of this audit was to assess the extent to which people with disabilities experience discrimination in the initial stages of the home seeking process and the extent to which housing providers are complying with or not complying with their obligations under the Fair Housing Act (FHA) and California's Fair Employment and Housing Act (FEHA), to ensure equal access to housing for people with disabilities and to grant reasonable accommodations to tenants and applicants with disabilities.

Federal and state fair housing laws prohibit discrimination in housing on the basis of disability and require that landlords grant reasonable accommodations to applicants and tenants with disabilities who need them. Where a housing provider's rule, policy or practice creates an unnecessary barrier to equal housing opportunity for a person with a disability, the housing provider is required to remove such barrier by making an exception to the policy or practice in order to accommodate the person's disability-related needs.

In 1968, Congress passed the FHA to prohibit discrimination in housing on the basis of race, color, religion, sex, and national origin; which was amended in 1988 to also include familial status and disability. However, despite legislative progress; disability discrimination in housing is still a reality for many individuals with disabilities. More than thirty years later, HUD still receives more disability-related housing discrimination complaints than any other protected class. From 2018 through 2020, 57% of the housing discrimination complaints filed with HUD for Marin, Sonoma and Solano counties alleged discrimination on the basis of disability; 84% of which were specifically filed against housing providers for failing to provide reasonable accommodations. During that same three-year period, 71% of the people who contacted Fair Housing Advocates of Northern California (FHANC) regarding a fair housing issue alleged discrimination on the basis of disability; 74% of which were related to reasonable accommodations.

Consequently, FHANC conducted a large-scale investigation of 111 rental properties in Marin, Sonoma and Solano counties in order to uncover potential barriers to equal housing opportunities for individuals with disabilities. The investigation, which is detailed in this report, uncovered significant evidence of widespread disability discrimination in the initial stages of the home seeking process.

Adults with disabilities, which make up 26% of the United States population, are more likely to live below the federal poverty level and are consequently disadvantaged when it comes to accessing equal housing.<sup>2</sup> Disability discrimination in housing exacerbates these conditions, resulting in further geographic segregation and limited opportunities for persons with disabilities to live independently in the community of their choice.

Thus, it is in the best interest of local jurisdictions to assess whether barriers to entry exist in their housing market for individuals with disabilities, and whether housing providers have the requisite knowledge of their legal obligations regarding housing discrimination. Based on such assessments, jurisdictions must, if necessary, take appropriate measures to eradicate obstacles and educate stakeholders, including landlords, tenants, and policy makers on fair housing protections for people with disabilities.

This audit was carried out from January through March 2021, by FHANC's Investigation Coordinators, Aura Aguilar, Ursula Lindsey, and John Froggatt, under the supervision of Supervising Attorney, Julia Howard-Gibbon, and Executive Director, Caroline Peattie. Ms. Howard-Gibbon analyzed the investigations and prepared this audit report, under the supervision of Ms. Peattie.

Those responsible for this report hope the results and recommendations contained herein will heighten awareness and encourage a cooperative effort by all segments of the communities in Marin, Sonoma, and Solano counties to eliminate discrimination on the basis of disability and to educate housing providers on their obligation to provide reasonable accommodations to people with disabilities under the law.

## EXECUTIVE SUMMARY

This report details the results and subsequent recommendations following a large-scale systemic audit conducted by Fair Housing Advocates of Northern California (FHANC) in Marin, Sonoma, and Solano counties to assess barriers to housing opportunities for people with disabilities. The investigation focused on the ability of prospective renters with disabilities to access reasonable accommodations – specifically permission to have an emotional support animal – in the initial stages of the home seeking process.

A fair housing testing audit is a way to assess compliance or non-compliance with federal and state fair housing laws in a particular housing market by using testers who pose as home seekers to determine how people with protected characteristics are treated in the rental or homebuying process. An audit differs from a complaint-based investigation in that it gives a broad overview of housing provider behavior in a given market during a certain time period. Public governmental bodies and private agencies throughout the country routinely conduct audits as an effective educational and enforcement tool.

Between January and March 2021, FHANC investigated 111 rental properties in Marin, Sonoma and Solano counties for disability discrimination. FHANC chose properties with stated policies in their rental listings prohibiting or limiting animals on the property, such as “no pet” policies or policies restricting the type, breed or size of animals permitted. Testers posing as renters with disabilities called or emailed housing providers in response to such rental listings and asked if the provider would be willing to make an exception to their animal policy in order to accommodate an applicant who requires an emotional support animal because of a verified disability.

**The investigation revealed significant barriers to equal housing opportunities for individuals with disabilities, finding evidence of discrimination at more than half (55%) of the 111 properties investigated.** Of the 32 investigations conducted in Marin County, 59% revealed evidence of a discriminatory policy or less favorable treatment toward persons with disabilities. Similarly, in Sonoma County, 60% of the 40 investigations conducted revealed evidence of discrimination. Tests in Solano County uncovered the least evidence of discrimination, however, 46% of the 39 investigations conducted still showed some evidence of unequal treatment and/or discrimination toward people with disabilities.

One of the most significant findings revealed by the audit was the extremely high rate of discrimination uncovered at properties with less than 11 units (73%) versus the relatively low rate of discrimination at properties with more than 50 units (20%). This points to a clear need for increased education and outreach to “mom and pop” landlords regarding their obligation to provide reasonable accommodations under fair housing laws. Conversely, the fact that larger housing providers seem to be aware of their obligations is encouraging because larger properties represent a significantly greater portion of the units tested in this audit (4,413 total units at large properties versus 161 total units at small properties).

FHANC also compared rates of discrimination in urban areas versus rural areas. While the differences were not very significant, the data shows that people with disabilities tend to face slightly more barriers to equal housing opportunities in urban areas than rural areas (58% versus 54%), which may be explained, at least in part, by the fact that housing markets tend to be tighter in urban areas.

While both phone and email tests revealed high rates of discrimination, more evidence of discrimination was uncovered in email tests than in phone tests (62% and 51% respectively), indicating that at least some housing providers are likely unaware of their obligations under the law – given their willingness to discriminate in writing – and that there is a significant need for increased education and outreach to housing providers regarding reasonable accommodations and their obligations under the law.

The data speaks loudly and clearly: regardless of critical strides by advocates to increase legal protections for people with disabilities, there still exist significant barriers to housing opportunities for people with disabilities. Based on the results of its audit investigation, FHANC has proposed a number of recommendations for the housing industry and community at large to eliminate discrimination and help increase access to housing for people with disabilities. Considering the lack of affordable housing in the Bay Area, it is critical that we address the systemic discrimination faced by people with disabilities, who are disproportionately low-income, women and/or members of racial and/or ethnic minorities.<sup>3</sup>

## **I. INTRODUCTION**

### **A. FAIR HOUSING ADVOCATES OF NORTHERN CALIFORNIA**

Fair Housing Advocates of Northern California (FHANC), is a private nonprofit organization dedicated to assisting individuals experiencing housing discrimination and educating the community, including tenants, housing providers, and government employees, as to their rights and responsibilities under federal and state fair housing laws. The mission of FHANC is to ensure equal housing opportunity and to educate the community on the value of diversity in housing.

FHANC provides free comprehensive fair housing counseling services to individuals alleging housing discrimination in Marin County, Sonoma County (except the incorporated city of Petaluma), and the cities of Fairfield and Vallejo in Solano County. FHANC also provides other services, such as foreclosure prevention counseling and trainings to housing providers, in other neighboring counties.

In addition to counseling and education services, FHANC recruits, trains and employs fair housing testers in order to investigate claims of housing discrimination and to assist in conducting systemic investigations, such as the one described in this report.

### **B. BACKGROUND**

One in four – or 61 million – adults in the United States lives with a disability.<sup>4</sup> Disability is especially common for people age 65 or older (two in five adults), women (one in four adults), and non-Hispanic American Indians/Alaska Natives (two in five adults).<sup>5</sup> Adults with disabilities are more likely to live below the federal poverty level and lack access to health care – both of which are associated with a higher occurrence of mental health conditions.<sup>6</sup>

A study from the Centers for Disease Control and Prevention (CDC) found that adults with disabilities report experiencing more mental distress than those without disabilities.<sup>7</sup> An estimated 17.4 million (32.9%) adults with disabilities experience frequent mental distress, defined as 14 or more reported mentally unhealthy days in the past 30 days.<sup>8</sup> Frequent mental distress is associated with adverse health behaviors, increased health services utilization, mental disorders, chronic diseases, and functional limitations.<sup>9</sup> In addition to the mental distress caused by physical disabilities, about one in five adults suffer from a diagnosable mental illness in a given year.<sup>10</sup>

Emotional support animals can offer support and therapeutic benefits to individuals with mental or psychological disabilities and are, therefore, commonly prescribed by therapists and medical professionals to people with disabilities as tools for alleviating symptoms of mental illness and mental distress.<sup>11</sup> For certain types of mental health conditions, such as depression, some have found that caring for an animal can provide a sense of purpose to a person with a disability. For other conditions, such as post-traumatic stress disorder (PTSD) and/or anxiety, petting an animal can have a calming effect and/or provide other therapeutic benefits.

However, because housing providers often put restrictions on the size and/or breed of animals permitted in rental housing, or prohibit animals outright, these restrictions create barriers to housing opportunity for people with disabilities that require emotional support animals. In order for persons with disabilities to have equal access to housing, housing providers must make exceptions to such restrictive animal policies for people who require emotional support animals because of a disability.

The purpose of this investigation was to assess the extent to which housing providers are complying with their obligations under fair housing laws to remove such barriers for renters who need them in order to access equal housing.

## C. LEGAL FRAMEWORK

### a. Disability Discrimination

Individuals with disabilities are protected from housing discrimination in California under both federal and state law. The Fair Housing Act of 1968 (FHA),<sup>12</sup> Section 504 of the Rehabilitation Act of 1973,<sup>13</sup> Title II of the Americans with Disabilities Act,<sup>14</sup> California's Fair Employment and Housing Act (FEHA),<sup>15</sup> and California's Unruh Civil Rights Act<sup>16</sup> together prohibit discrimination in almost all housing, whether privately or publicly administered, funded, or subsidized. In addition, all parties associated with a property and/or real estate transaction must comply with fair housing laws. This includes, but is not limited to, landlords, management companies, agents of the landlord, and real estate brokers.

The FHA defines disability as a mental or physical impairment that substantially limits one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such an impairment, or are regarded as having such an impairment.

It is unlawful under the FHA to withhold, deny, make unavailable, or refuse to rent, lease or sell a dwelling because of the disability of a tenant, prospective tenant, or someone associated with a tenant or prospective tenant.<sup>17</sup> Specific examples of unlawful discriminatory conduct include:

- Making an untruthful representation that a dwelling is unavailable in order to avoid renting to a person with a disability;
- Making a statement in order to discourage a person with a disability from renting or purchasing a unit;
- Refusing to negotiate the sale or rental of a unit because of a person's disability;
- Steering individuals with disabilities to or away from certain neighborhoods, types of housing or specific dwellings;
- Imposing a different sales price, rent, deposit or fee on a person with a disability;
- Imposing different qualifications, conditions, application procedures, or screening and selection standards on a person with a disability;
- Refusing to rent to a person because of their association with an individual with a disability, such as a family member;
- Providing different services to an individual with a disability;



- Inquiring about the existence, nature or severity of a disability, unless occupancy of a particular unit is specifically tied to one's status as a person with a disability, as in certain publicly-funded housing programs;
- Segregating individuals with disabilities to certain areas of a building or apartment complex; and
- Refusing to provide a reasonable accommodation to an individual who needs an exception or change to a policy because of a disability.

b. Reasonable Accommodations

Antidiscrimination statutes prohibit housing providers from refusing "to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling."<sup>18</sup> The only requirement is that there be a causal connection, or nexus, between the individual's disability and the need for the accommodation.<sup>19</sup> So long as the requested accommodation does not constitute an undue financial or administrative burden, or fundamentally alter the nature of the housing or service, the housing provider must provide the accommodation.<sup>20</sup> Furthermore, a housing provider may not charge an extra fee or require an additional deposit as a condition of granting a reasonable accommodation.<sup>21</sup>

When evaluating a reasonable accommodation request, the landlord may request that the tenant provide verification from a knowledgeable third party, such as a doctor or social worker, that the tenant has a disability (i.e., a physical or mental impairment that limits one or more major life activities) and that there is a relationship between the person's disability and the need for the requested accommodation.<sup>22</sup> However, the landlord may not deny the request or fail to respond to the request because the tenant did not initially supply verification.<sup>23</sup>

Additionally, the housing provider must consider reasonable accommodation requests made in any manner, even if made orally and/or if the requester did not use the housing provider's preferred forms or method.<sup>24</sup> The housing provider may not require that the tenant or applicant make the request in writing or in any other manner and may not refuse a request because the tenant or applicant did not follow formal procedures that the provider has adopted.<sup>25</sup>

Reasonable accommodations may be necessary at all stages of the housing process, including during a housing search, during the application process, during a tenancy, or to prevent eviction.<sup>26</sup> Housing providers must consider requests for reasonable accommodations during all stages of the process.

Examples of reasonable accommodations include:<sup>27</sup>

- Waiving animal restrictions for a tenant who needs an assistance or support animal;
- Assigning an accessible parking space close to the entrance to a building or unit for a tenant with a mobility impairment, regardless of whether parking spaces are generally available on a first come, first served basis;
- Allowing a tenant with a mental impairment who is afraid to leave his unit to mail his rent check instead of paying his rent in person;
- Providing assistance in filling out a rental application form.

### c. Assistance Animals

A tenant with a disability who requires an assistance animal in order to assist with or alleviate a symptom of a disability may not be denied the right to have an assistance animal in housing. An assistance animal is not a pet;<sup>28</sup> it is an animal that works, provides assistance, performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms of a person's disability.

There are two types of assistance animals: 1) service animals, and 2) emotional support animals. A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability, such as guiding individuals who are blind, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, and/or alerting persons to impending seizures.<sup>29</sup> The work or task a dog has been trained to provide must be directly related to the handler's disability.

Conversely, an emotional support animal is an animal that provides comfort to their owners but is not trained to perform a specific task. An emotional support animal is defined as an animal: 1) that alleviates one or more symptoms or effects of an individual's disability; 2) that is necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling; and 3) for which there is an identifiable relationship between the disability and the assistance the animal provides.<sup>30</sup> Emotional support animals are also commonly referred to as companion animals. Support animals do not need to be any specific species or breed.

A housing provider must evaluate a tenant or applicant's request to have an assistance animal using the same general principles applicable to all reasonable accommodation requests. After receiving such a request, the housing provider must consider: 1) whether the person seeking to use and live with the animal has a disability (i.e., a physical or mental impairment that substantially limits one or more major life activities); and 2) whether the person making the request has a disability-related need for an assistance animal.

If both conditions are met, fair housing law requires the housing provider to modify or provide an exception to a "no pets" rule or policy to permit a person with a disability to live with and use an assistance animal in all areas of the premises where persons are normally allowed to go, unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of the housing provider's services.

Restrictions and limitations that housing providers may apply to pets, such as breed, size, and weight limitations, may not be applied to assistance animals.<sup>31</sup> Additionally, while housing providers may require applicants or residents to pay a pet deposit, they may not require applicants and residents to pay a deposit for an assistance animal.<sup>32</sup> As is the case for all reasonable accommodation requests, housing providers may not require that an applicant or tenant make the request for an assistance animal in any particular manner or use any formal procedure adopted by the provider.

Like all reasonable accommodation requests, the determination of whether a person has a disability-related need for an assistance animal involves an individualized assessment. However, a housing provider may not have a blanket ban on assistance animals or a policy of refusing to make exceptions to animal policies for assistance animals. Furthermore, a request to have an assistance animal in housing may not be unreasonably denied or unreasonably delayed.<sup>33</sup>

## II. AUDIT GOALS AND METHODOLOGY

### A. WHAT IS A FAIR HOUSING AUDIT?

A fair housing audit is a way to assess compliance or non-compliance with federal and state fair housing laws. It is a controlled measurement of the difference in quality, quantity, and content of information and services afforded to home seekers (testers) by housing providers. An audit differs from a complaint-based test in that it gives a broad overview of housing provider behavior in a given market during a certain time period. Fair housing organizations routinely conduct audits as an educational and enforcement tool.

### B. AUDIT GOALS

The purpose and goals of the audit described in this report were as follows:

1. To identify discriminatory policies related to reasonable accommodations and/or instances of differential treatment towards people with disabilities at rental sites, including duplexes and larger multi-family complexes, thus indicating the extent to which people with disabilities face difficulty in securing rental housing in Marin, Sonoma, and Solano counties.
2. To create a list of target properties for future testing where results indicate potential discrimination and where results suggest that further investigation could yield stronger evidence of discrimination.
3. To bring violations to the attention of housing providers, in order to increase awareness of the potential consequences of engaging in discriminatory practices and prevent future transgressions.
4. To file enforcement actions, including administrative complaints with the Department of Housing and Urban Development (HUD) or California's Department of Fair Employment and Housing (DFEH) and/or lawsuits, in cases with strong evidence of discriminatory policies and/or differential treatment/discrimination.
5. To increase awareness of the difficulties renters with disabilities experience in securing rental housing.
6. To make tenants and home seekers with disabilities aware of discriminatory practices they may experience and the services provided by FHANC to secure housing rights.
7. To offer training to housing providers on fair housing laws and practices in order to forestall future discrimination.

### C. GEOGRAPHIC SCOPE OF AUDIT

FHANC tested properties in Marin, Sonoma, and Solano counties, with 32, 40, and 39 investigations conducted in each county respectively. The number of tests conducted in each city or geographic area within each county was determined based on the availability of listings for the city/area that met the property selection criteria as well as the population and housing stock for that area as compared to the rest of the county.

In Marin County, tests were conducted at properties located in San Rafael, Novato, Southern Marin<sup>34</sup>, West Marin<sup>35</sup>, and Central Marin<sup>36</sup>. The chart below shows the percentage of tests conducted in each area, corresponding approximately to the population in each area.

CITY / AREA	# OF PROPERTIES TESTED	% OF MARIN PROPERTIES TESTED IN AREA / CITY	% OF MARIN POPULATION
San Rafael	9	28%	27%
Novato	9	28%	26%
Southern Marin	4	13%	16%
Mill Valley	2		
Sausalito	2		
West Marin	1	3%	7%
Lagunitas	1		
Central Marin	9	28%	24%
Greenbrae	1		
Corte Madera	2		
Kentfield	2		
Larkspur	2		
San Anselmo	2		
Totals	32	100%	100%

In Sonoma County, tests were conducted at properties located in Santa Rosa, Petaluma, West Sonoma County<sup>37</sup>, Northern Sonoma County<sup>38</sup>, and Southern Sonoma County<sup>39</sup>. The chart below shows the percentage of tests conducted in each area, corresponding approximately to the population in each area.

CITY / AREA	# OF PROPERTIES TESTED	% OF SONOMA PROPERTIES TESTED IN AREA / CITY	% OF SONOMA POPULATION
Santa Rosa	22	55%	45%
Petaluma	3	8%	20%
West Sonoma County	3	8%	6%
Guerneville	1		
Sebastopol	2		
Northern Sonoma County	5	12%	15%
Healdsburg	3		
Windsor	1		
Cloverdale	1		
Southern Sonoma County	7	17%	14%
Sonoma	3		
Rohnert Park	4		
Totals	40	100%	100%

In Solano County, tests were conducted at properties located in Fairfield, Vallejo, Vacaville, and Southern Solano County<sup>40</sup>. The investigations coordinators were unable to find listings in Northern Solano County<sup>41</sup> that met the property selection criteria. The chart below shows the percentage of tests conducted in each area, corresponding approximately to the population in each area.

CITY / AREA	# OF PROPERTIES TESTED	% OF SOLANO PROPERTIES TESTED IN AREA / CITY	% OF SOLANO POPULATION
Vallejo	14	36%	29%
Fairfield	11	28%	27%
Vacaville	6	15%	18%
Northern Solano County	0	0%%	10%
Southern Solano County	8	21%	16%
<i>Suisun City</i>	2		
<i>Benicia</i>	6		
Totals	39	100%	100%

These locations represent both the most densely populated cities in Marin, Sonoma, and Solano counties (Novato, San Rafael, Santa Rosa, Petaluma, Vallejo, Fairfield, and Vacaville), as well as more suburban and rural areas with lower population densities (West Marin and West Sonoma County).

#### D. AUDIT METHODOLOGY

##### a. Tester Screening, Recruitment, and Training

The audit was carried out by FHANC's investigations coordinators, under the supervision of FHANC's supervising attorney and executive director.

The investigations coordinators recruited, screened and selected 10 testers for this audit, not including 2 of the investigations coordinators who also conducted tests. Only testers with voices identifiable as white non-Latinx were selected in order to avoid indication of any other protected characteristics other than disability. All testers received training on testing and investigations procedures as well as specialized training regarding disability and emotional support animals.

##### b. Sampling Technique

The investigations coordinators selected properties within the geographic area from advertisements posted online that included at least one restrictive policy related to animals, such as a no pets policy, a pet weight restriction, a breed restriction, and/or a mandatory pet deposit or pet rent. Online listing sources included but were not limited to Craigslist.com, Trulia.com, Hotpads.com, Apartments.com, Zillow.com, Facebook.com, and Zumper.com. Shared homes, vacation homes, and short-term rentals were deliberately not included.

##### c. Determining Test Type

Once a property was selected, the investigations coordinator then determined whether the test would be an email or a phone test, depending on the contact information that was provided for the agent in the rental listing as well as other logistical considerations.

For each phone test, the coordinator either conducted the test themselves or assigned a tester to the investigation. All email tests were conducted by the investigations coordinators.

d. Profiles

For both email and phone tests, the investigations coordinators created protected profiles that included a disability and the need for an emotional support animal. All protected profiles were designed to avoid any indication of protected class characteristics other than disability. The race and ethnicity for all profiles were white non-Latinx and none of the profiles included children. All profiles included employment and income information. Each profile also included an email address, which testers could provide to the agent if asked. The email accounts were created and managed by the investigations coordinators.

Each protected profile included an emotional support dog and information about the dog's breed, size, and age. The investigations coordinators deliberately chose larger dogs and less desirable breeds, such as pit bulls, in order to ensure that if a housing provider did agree to make an exception to an animal policy, it would be to accommodate the applicant's disability and not because the agent was inclined to do so anyway based on the size and/or breed of the dog. For example, a housing provider may be willing to make an exception to a no pets policy for a small dog, even if the applicant does not have a disability, because a smaller dog is perceived as more desirable and less disruptive..

e. Phone Tests

For each phone test conducted by a tester, the investigations coordinator created a test assignment based on the information collected from the rental listing. Test assignments included information about the listing (ie: the phone number of the agent and the address of the property), instructions for conducting the test, the tester's profile, and a copy of the rental listing.

Prior to starting the phone tests, the investigations coordinator briefed each tester and sent each tester their test assignment. Testers were instructed to review their test assignment, acknowledge receipt and understanding of the test instructions, and discuss any questions or concerns about their assignment with the investigations coordinator prior to starting the test. After receiving and reviewing their test assignments, testers were instructed to call the rental agent posing as a home seeker and follow the instructions in the assignment.

If the tester reached an answering machine, the tester was instructed to leave a message stating their name, phone number and their interest in the listed property. Testers were instructed not to reveal their protected characteristic (ie: disability) or include any other information about their profile in the message other than their name and phone number.

If the tester successfully reached a person associated with the listed property (e.g.: the landlord or an agent of the landlord), the tester was instructed to introduce themselves and state that they were calling about the advertised unit. Testers were instructed to seek information from the rental agent about the property and the application process, including the rent, the security deposit, the application fee, the credit check, whether any utilities and/or amenities were included, and any other information about the advertised unit. Testers were instructed to answer any of the agent's questions according to the tester's profile.

During the test, testers were instructed to ask if the landlord accepted dogs. If the answer was "no" or if the agent said they did accept dogs but only if the animal met certain restrictions, such as weight or breed restrictions, then the tester was instructed to ask if the agent would make an exception to such a policy for

emotional support animals. The tester was also instructed to tell the agent that they could provide a letter from a doctor regarding their need for the emotional support animal if necessary.

Within 24 hours of completing the test, testers were instructed to debrief with the investigations coordinator during which they provided the coordinator with a description of what happened during the test and discussed any issues or concerns that may have arisen. In some cases, when the investigations coordinator determined that additional information was needed, testers were instructed to call the agent back and obtain the additional information.

After each test, the person conducting the test (either a tester or investigations coordinator) completed a Phone Test Report Form in which they documented the agent's response to their questions regarding emotional support animal policies, as well as any additional information they gathered during the test, including the agent's name/title, the address of the unit, the number of bedrooms, the monthly rent amount, the security deposit amount, any lease options, the date of availability; plus any other information that the agent may have provided or sought from the tester (e.g: the tester's income, employment, family size, etc.). In addition to the Report Form, each tester (or investigations coordinator) wrote and submitted a narrative description of what happened during the test, including a description of all interactions with the rental agent.

f. Email Tests

For each email investigation, the investigations coordinator emailed the rental agent from the protected profile's email address, posing as a prospective renter. Emails included an acknowledgement of the landlord's existing pet policy (as stated in the rental listing) and an inquiry as to whether the agent would consider making an exception to such policy for someone who requires an emotional support animal.

If after a reasonable amount of time the protected profile received no response, the investigations coordinator sent an additional email from a control profile, which did not include a disability or an emotional support animal, asking if the unit was still available. If the control profile received a response and the protected profile did not, that was considered some or potential evidence of discrimination. If neither profile received a response, the investigation was considered a failed test and was not counted in the results, except in two instances where the test coordinator made additional attempts to reach the agent from a third profile which were successful. For investigations with multiple test parts, investigations coordinators compared the experiences of the protected profiles to that of the control profiles to determine which profiles were treated more or less favorably.

### **III. AUDIT ANALYSIS**

For single-part investigations FHANC reviewed the experiences of the protected testers and determined whether there was evidence that the housing provider had any discriminatory policies or practices related to emotional support animals and/or whether they made any discriminatory statements related to disability.

For multi-part investigations, FHANC reviewed the experiences of all testers and determined whether there was evidence that the housing provider had any discriminatory policies or practices related to emotional support animals, whether the housing provider made any discriminatory statements related to disability, and/or whether the housing provider treated the protected profile(s) more or less favorably than the control profile(s).

When analyzing results, investigations coordinators considered multiple factors, including but not limited to the following:

1. The housing provider's willingness to rent to each tester/profile;
2. Whether the housing provider offered different rental terms and/or conditions (including amenities and special offers) to the protected tester/profile versus the control tester/profile;
3. Whether the housing provider followed up with either tester/profile after the test was complete;
4. How the housing provider responded (or failed to respond) to initial contact or subsequent contacts by testers;
5. Information provided to the testers about applicant qualifications, eligibility, or rental criteria; and
6. The housing provider's comments and/or general treatment of testers indicating encouragement, discouragement, and/or steering.

After analyzing all 111 investigations, FHANC categorized each investigation as either: 1) showing no significant evidence of disability discrimination, 2) revealing some or potential evidence of disability discrimination, or 3) showing clear evidence of disability discrimination.

For the purposes of this report, "clear evidence of disability discrimination" refers to statutory violations of the Fair Housing Act, including but not limited to:

- Refusing to make a necessary reasonable accommodation for a person with a disability, such as refusing to make an exception to a pet policy and/or refusing to waive a pet deposit or pet rent for an emotional support animal;
- Refusing to rent to or negotiate with a person because they have a disability and/or require a reasonable accommodation;
- Making a false representation about rental availability to a person because of their disability and/or their need for a reasonable accommodation;
- Offering inferior terms, conditions, privileges or services to a person because of their disability and/or their need for a reasonable accommodation;
- Suggesting another neighborhood or property would be more suitable because of a person's disability and/or need for a reasonable accommodation (steering); and/or
- Making discriminatory statements against people with disabilities and/or discriminatory statements related to reasonable accommodations.

For the purposes of this report, "some/ potential evidence of disability discrimination" refers to some but not clear evidence of a discriminatory policy; statutory violations that do not materially affect the housing transaction; and/or other less significant types of discriminatory policies or practices, such as:



- Responding to an inquiry from someone with no stated disability after failing to respond to an inquiry from someone with a stated disability and/or need for a reasonable accommodation;
- Implying that a person's application will likely be denied and/or discouraging the person from applying because they require a reasonable accommodation;
- Requiring an applicant who needs a reasonable accommodation to submit to additional screening and/or requiring that reasonable accommodation requests be made in a particular manner or procedure;
- Causing delays in the application process by failing to answer questions related to reasonable accommodations, and/or providing confusing or unclear answers to such questions, and/or deferring such questions to another person who is unavailable;
- Refusing to provide information about whether a reasonable accommodation would be granted until after the person submits an application (and pays an application fee); and/or
- Making negative comments about emotional support animals and/or negative comments about a housing provider's obligation to allow emotional support animals and/or grant other reasonable accommodations.

For the purposes of this report, "no significant evidence of disability discrimination" refers to tests where: the agent did not make any discriminatory statements; the agent did not make any statements indicating that a discriminatory practice or policy exists; and, for multi-part tests, all testers received substantially similar information and/or treatment by the agent.

#### **IV. AUDIT RESULTS**

##### **A. TEST OUTCOMES**

Of the 111 investigations conducted in the tri-county area, 61 (55%) showed some/potential or clear evidence of disability discrimination and 50 (45%) revealed no significant evidence of disability discrimination.

##### **a. Clear Discrimination**

Of the 111 total investigations conducted, 36 (32%) showed clear evidence of disability discrimination. Responses from housing providers that demonstrated clear evidence of discrimination included the following:

- We only accept cats and dogs under 25lbs with a \$400 pet deposit; we do not make exceptions for emotional support animals.
- The owner looks negatively at people with dogs, including emotional support animals; please find another rental property.
- We have a no pets policy and we only make exceptions for service animals, not emotional support animals.
- We might make an exception for an emotional support animal, but not for a large German Sheppard.

- We will make an exception to the no pets policy but we will not waive the \$500 pet deposit.
- We only allow animals under “special circumstances” and only for very well qualified applicants who are willing to pay an increased security deposit.
- We would consider waiving the monthly pet rent and/or make an exception for certain breeds, but we will not waive the pet deposit.
- We might consider making an exception for an emotional support animal, but it would “depend on the person and the animal;” we would have to meet you and your dog before we would consider your application.
- We have a no pets policy and we do not make exceptions for emotional support animals.
- We have only ever made exceptions for cats with a large pet deposit; we have never had a dog on the property and “it probably wouldn’t work.”
- We do not allow pets and we cannot make exceptions for emotional support animals because if we do other tenants will say they need one too.
- Pets for emotional support are not allowed.
- We are legally required to accept emotional support animals, but we still require that the animal be licensed by the Humane Society; and you should know that the property is old and run down and “stuck in the 70s” (implying that the tester should not apply).
- I do not think the owner will make an exception because we recently allowed a dog that caused extensive damage to the property.
- I am legally required to let you apply but I do not think it would be a “good fit.”
- A large dog would not be a good fit for a second-floor apartment, but I can show you other units that may work better for you.
- The owner has not allowed emotional support animals in the past; the unit would not be appropriate for a dog because there is no backyard.
- I would potentially consider making an exception for an emotional support animal, but I would rather refer you to other properties that would be a better fit.
- Unfortunately, we do not make exceptions for emotional support animals; there is not enough space for dogs.
- The apartment would probably be too small for a dog; I can check with the owner but I would suggest you look into renting a house instead.
- You would need to provide more than just a doctor’s note because with so many scams going on I have to protect my interest.

- You can apply but the ad says no pets and the application fee is non-refundable.

b. Some/ Potential Discrimination

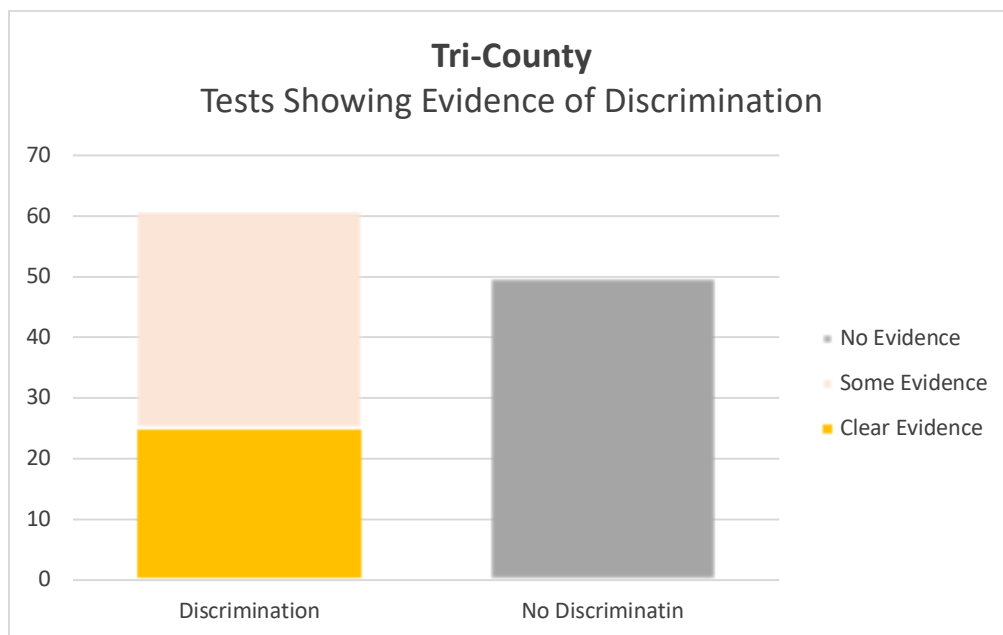
25 (23%) revealed some or potential evidence of disability discrimination. Tests that were categorized as showing some or potential evidence of discrimination included the following:

- The tester emailed the agent multiple times asking if they make exceptions for emotional support animals; the agent responded to the emails but avoided answering the question until he finally responded saying he is not involved in processing applications and does not make decisions about eligibility; he just shows the apartment.
- The agent said they accept emotional support animals but applicants are required to submit a pet application through petscreening.com in order for the request to be considered.
- The tester was told that the landlord will make an exception to the no pets policy if the applicant provides a doctor's note plus "certification" for the animal; certification was not defined.
- The protected tester sent an email asking if the unit was still available and whether they would make an exception to the no pets policy for an emotional support animal but received no response; subsequently, the control tester sent an email asking about availability and received a response stating that the unit was still available.
- The tester was told that in order for the request to be considered an applicant must submit a request for an emotional support animal using the housing provider's reasonable accommodation form.
- The owner said he would make an exception for an emotional support animal and would waive the pet deposit but stated that he is nervous about pit bulls and would like to meet the dog first.
- When the tester asked if the owner would make an exception for an emotional support animal the agent said "yes, if it's a service animal its ok;" the agent implied that they considered an emotional support animal to be service animal (despite that being incorrect) but said that the animal would also have to go through an additional "pet screening" process, which was not explained.
- When asked about availability via email, the landlord responded to the control profile but not to the protected profile which also asked about emotional support animal policies.
- The agent initially responded to the tester's emails but when the tester revealed that his emotional support animal was an 80lb German Shepard the agent stopped responding.
- The agent stated that she was not sure about their emotional support animal policy and that she would look into it, but then never called tester back.
- The agent said he could not answer questions about emotional support animals because only the owners could make that decision; the tester was told he would have to "move to the application process for that."
- The agent said she would have to look up the laws regarding emotional support animals, but that they generally do not allow pets; the agent never called the tester back.

- The agent said she did not know whether an emotional support animal would be accepted by the owner; she said she would check with the landlord and then call the tester back but then never contacted the tester again.
- The agent said they make exceptions for emotional support animals because they are required to by law but when tester asked to schedule an appointment the agent said she had been exposed to Covid-19 and would not be showing it for 14 days.
- The agent could not say if they accept emotional support animals; he told the tester they had to apply first and then owner would decide.
- The agent said they accept "certified service pets;" when the tester explained that she has an emotional support animal the agent said "any certified animal" is fine; she did not explain what she meant by "certified" or "service pets" but implied emotional support animals are included.
- The agent never answered whether they would make an exception for an emotional support animal; instead, she kept repeating that service animals are different than pets; it is unclear whether she meant that they only make exceptions for service animals and not emotional support animals or whether she erroneously believes emotional support animals are service animals.

## B. STRENGTH OF EVIDENCE BY GEOGRAPHIC REGION

Of the 111 investigations conducted in the tri-county area, 61 (55%) showed at least some evidence of disability discrimination; with 36 (32%) of the tests revealing clear evidence of discrimination and 25 (23%) of the tests revealing some or potential evidence of discrimination. Only 50 (45%) tests conducted revealed no significant evidence of disability discrimination.

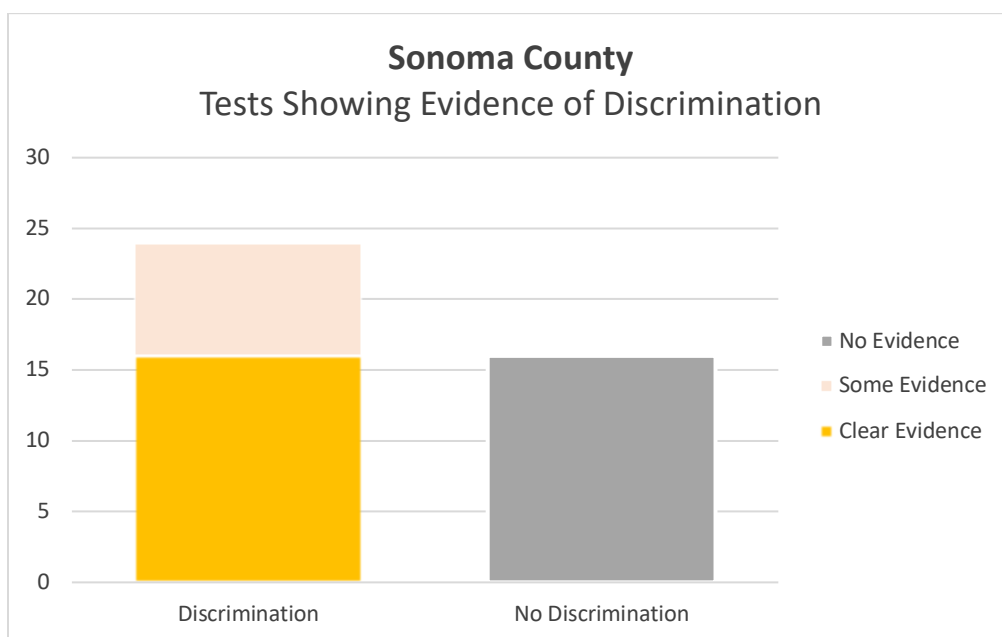


Evidence of Discrimination	Number of Tests	Percent of Total Tests
Clear Evidence of Discrimination	36	32%
Some/ Potential Evidence Discrimination	25	23%
<b>Total Discrimination</b>	<b>61</b>	<b>55%</b>
No Significant Evidence of Discrimination	50	45%
<b>Total</b>	<b>111</b>	<b>100%</b>

a. Sonoma County

Of the 40 tests conducted in Sonoma County, 16 (40%) showed clear evidence of disability discrimination and 8 (20%) revealed some or potential evidence of disability discrimination. Only 16 (40%) revealed no significant evidence of disability discrimination.

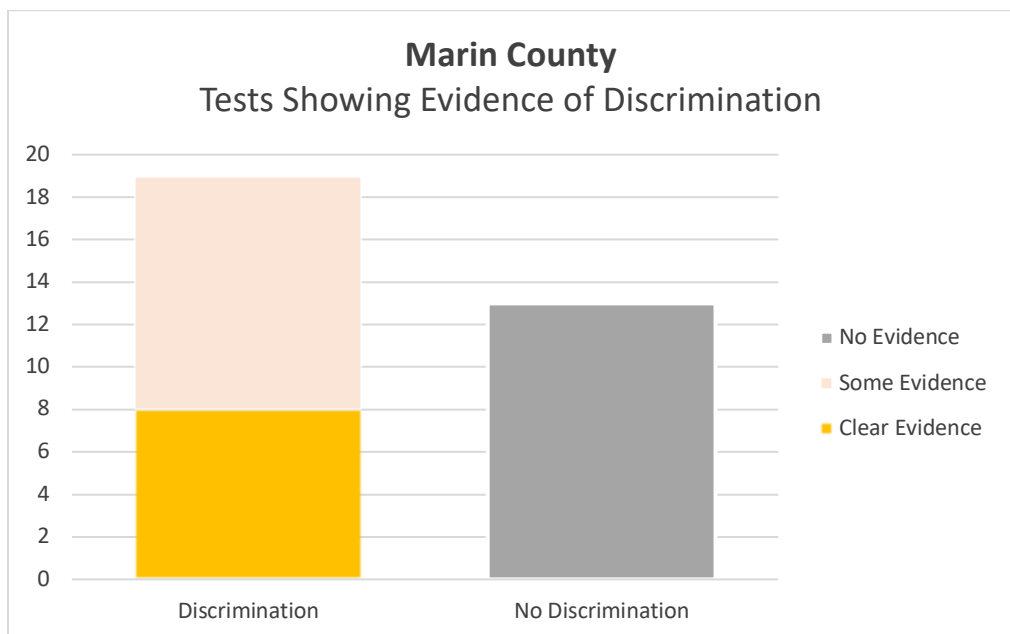
Sonoma County not only had the highest percentage of investigations revealing evidence of discrimination (60%), a significantly higher proportion of the tests indicating discrimination were based on clear evidence of discrimination (as opposed to only some or potential evidence of discrimination), than to the other two counties.



Evidence of Discrimination	Number of Tests	Percent of Total Tests
Clear Evidence of Discrimination	16	40%
Some/ Potential Evidence Discrimination	8	20%
<b>Total Discrimination</b>	<b>24</b>	<b>60%</b>
No Significant Evidence of Discrimination	16	40%
<b>Total</b>	<b>40</b>	<b>100%</b>

b. Marin County

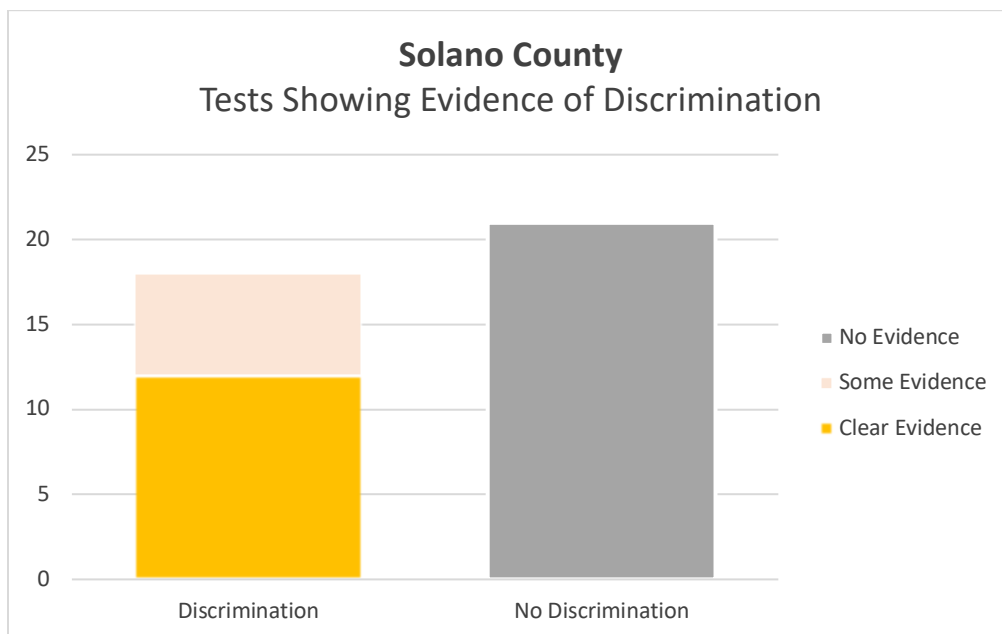
While Marin County showed similar overall evidence of disability discrimination (59%) as Sonoma County, most of the tests supporting this finding revealed only some or potential evidence of discrimination, as opposed to clear evidence. Of the 32 investigations conducted in Marin County, only 8 (25%) revealed clear evidence of disability discrimination while 11 (34%) revealed some or potential evidence of disability discrimination. Only 13 (41%) of the 32 investigations conducted revealed no significant evidence of disability discrimination.



Evidence of Discrimination	Number of Tests	Percent of Total Tests
Clear Evidence of Discrimination	8	25%
Some/ Potential Evidence Discrimination	11	34%
<b>Total Discrimination</b>	<b>19</b>	<b>59%</b>
No Significant Evidence of Discrimination	13	41%
<b>Total</b>	<b>32</b>	<b>100%</b>

c. Solano County

Solano County revealed the lowest levels of disability discrimination (46%) of the three counties. However, like in Sonoma County, twice as many of the tests revealing evidence of discrimination in Solano County were based on clear evidence (31%) as opposed to some or potential evidence (15%). Unlike Marin and Sonoma Counties, however, more than half of the properties investigated in Solano County (54%) revealed no significant evidence of disability discrimination.



Evidence of Discrimination	Number of Tests	Percent of Total Tests
Clear Evidence of Discrimination	12	31%
Some/ Potential Evidence Discrimination	6	15%
<b>Total Discrimination</b>	<b>18</b>	<b>46%</b>
No Significant Evidence of Discrimination	21	54%
<b>Total</b>	<b>39</b>	<b>100%</b>

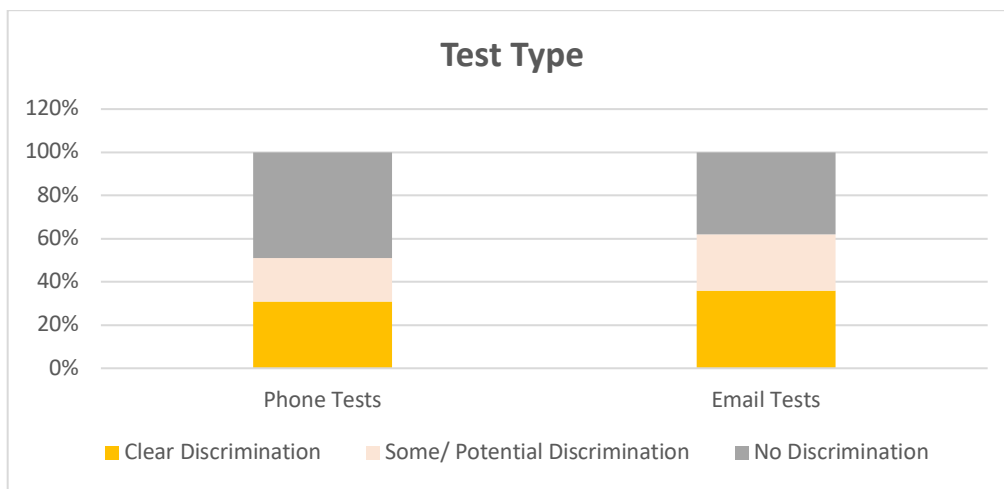
### C. RESULTS BY TEST TYPE

#### a. Phone Tests

FHANC conducted 69 phone investigations, 68 of which were single tests and 1 of which was a three-part test. Of the phone investigations conducted, 35 (51%) revealed evidence of disability discrimination: 21 (31%) based on clear evidence and 14 (20%) based on some or potential evidence.

#### b. Email Tests

FHANC also conducted 42 email tests, 36 of which were single part tests, 5 of which were paired tests, and 1 of which was a three-part test. Of the email tests conducted, 26 (62%) revealed evidence of disability discrimination: 15 (36%) based on clear evidence and 11 (26%) based on some or potential evidence.



The fact that email tests revealed such a high rate of discrimination is a significant finding because it points to the fact that housing providers are willing to make discriminatory statements in writing. This suggests, at least in part, that some housing providers are likely unaware of their obligations to provide reasonable accommodations under the law, which underscores the substantial need for increased education and outreach, in addition to enforcement efforts.

#### D. RESULTS BY PROPERTY SIZE

For the purpose of this audit, a “small property” refers to a property with 10 units or less, a “medium property” refers to a property with 11 to 50 units, and a “large property” is a property with more than 50 units. Of the 111 properties tested, 56 are small properties (comprising 161 total units), 30 are medium properties (comprising 747 total units), and 25 are large properties (comprising 4,413 total units).

##### a. Small Properties

Of the 56 tests conducted at small properties, 41 (73%) showed evidence of disability discrimination; with 24 (43%) of the tests revealing clear evidence of discrimination and 17 (30%) of the tests revealing some or potential evidence of discrimination. Only 15 (27%) of the 56 tests conducted revealed no significant evidence of disability discrimination.

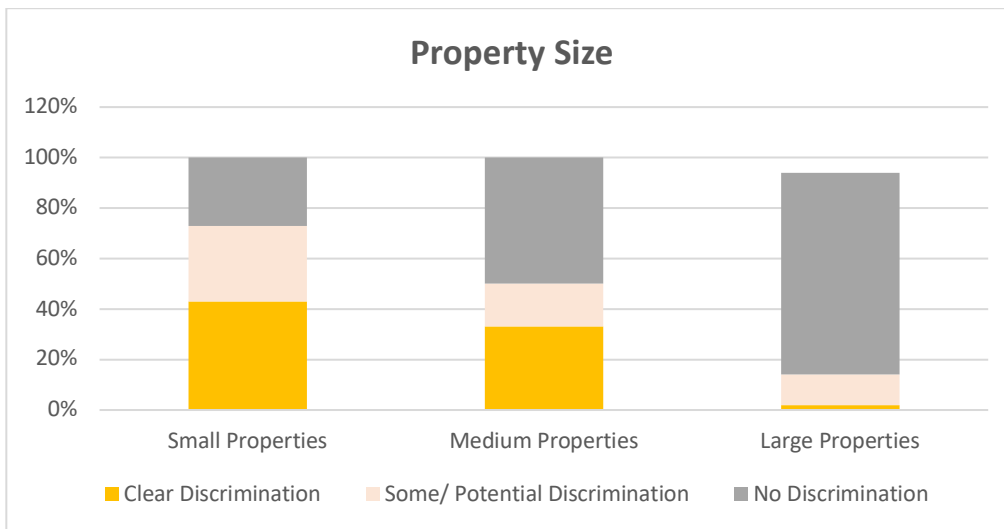
##### b. Medium Properties

Of the 30 tests conducted at medium properties, 15 (50%) showed evidence of disability discrimination; with 10 (33%) of the tests revealing clear evidence of discrimination and 5 (17%) of the tests revealing some or potential evidence of discrimination. Only 15 (50%) of the tests 30 conducted revealed no significant evidence of disability discrimination.

##### c. Large Properties

Of the 25 tests conducted at large properties, 5 (20%) showed evidence of disability discrimination; with 2 (8%) of the tests revealing clear evidence of discrimination and 3 (12%) of the tests revealing some or potential evidence of discrimination. 20 (80%) of the 25 tests conducted revealed no significant evidence of disability discrimination.



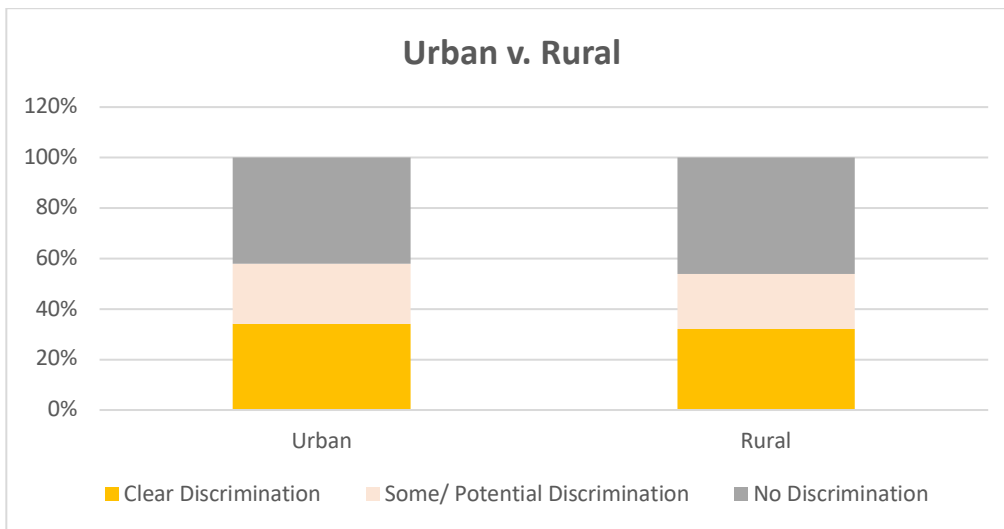


The extremely high rate of discrimination at small properties points to a clear need for increased education and outreach to “mom and pop” landlords. Conversely, the low rate of discrimination at large properties suggests that larger players in the housing market seem to be aware of their obligations under the law, and, at least at the initial stages of the home seeking process, are complying with their obligations. This is an encouraging finding because larger properties represent a significantly larger portion of the units effected (4,413 total units at large properties versus 161 total units at small properties).

#### E. RESULTS BY URBAN AND RURAL CLASSIFICATIONS

The U.S. Census Bureau classifies "urban" as all territory, population, and housing units located within an urbanized area or an urban cluster. Urbanized areas and urban clusters are densely settled areas, which consist of core census block groups or blocks that have a population density of at least 1,000 people per square mile and surrounding census blocks that have an overall density of at least 500 people per square mile. The Census Bureau's classification of "rural" consists of all territory, population, and housing units located outside of urbanized areas and urban clusters.

According to the 2000 Census, the following 7 cities within the tri-county area are considered urban: Novato and San Rafael in Marin County, Petaluma and Santa Rosa in Sonoma County, and Vacaville, Fairfield, and Vallejo in Solano County, all of which have a population of more than 50,000 residents. The remaining cities and towns within the tri-county area are considered rural.



a. Urban Areas

Of the 74 tests conducted in urban areas, 41 (58%) showed evidence of discrimination; 24 (34%) based on clear evidence of discrimination and 17 (24%) based on some or potential evidence of discrimination. Only 30 (42%) of the tests conducted in urban areas revealed no significant evidence of discrimination.

b. Rural Areas

Of the 37 tests conducted in rural areas, 20 (54%) revealed evidence of discrimination. 12 (32%) tests revealed clear evidence of discrimination and 8 (22%) revealed some evidence of discrimination. Only 17 (46%) of the tests conducted in rural areas showed no significant evidence of discrimination.

While the differences were not very significant, these results show that people with disabilities tend to face slightly more barriers to equal housing opportunities in urban areas than in rural areas. This could be explained in part by the fact that tighter housing markets allow housing providers to choose prospective tenants from a larger pool of applicants, with less market forces pushing them to accept an applicant they may otherwise exclude based on the applicant's disability and/or need for a reasonable accommodation.

## V. CONCLUSIONS

Of the 111 tests conducted in the tri-county area, 55% showed at least some evidence of disability discrimination; with 32% of the tests revealing clear evidence of discrimination plus another 23% revealing some or potential evidence of discrimination. Only 45% tests conducted revealed no significant evidence of disability discrimination.

Tests conducted in Sonoma County revealed the most evidence of disability discrimination (60%), the majority of which were based on clear evidence. While Marin County showed similar overall evidence of disability discrimination (59%), most of the tests supporting this finding revealed only some or potential evidence of discrimination, as opposed to clear evidence. Tests in Solano County revealed the lowest levels of disability discrimination (46%) of the three counties.

Of the phone tests conducted, 51% revealed evidence of disability discrimination, while 62% of the email tests revealed evidence of discrimination. Of the tests conducted at small properties, 73% showed evidence of disability discrimination, while only 20% of tests conducted at large properties showed evidence of

discrimination. Finally, tests revealed evidence of discrimination at slightly higher rates in urban areas (58%) than in rural areas (54%).

These findings point to the need for increased education and outreach to property owners and managers of smaller properties and properties in urban areas. Additionally, greater efforts should be made to educate housing providers and enforce fair housing laws in Sonoma and Marin counties where instances of discrimination were the highest.

## **VI. LIMITATIONS AND LESSONS**

### **A. PRE-APPLICATION TESTING UNDERESTIMATES THE DEGREE OF DISCRIMINATION**

By virtue of its very design and purpose, this audit does not identify the full scope of discriminatory conduct. This audit sought to measure only the degree of discrimination an individual could encounter at the pre-application stage. Because testers did not submit applications, this audit cannot identify housing providers who dispense information and applications freely but discriminate later in the tenant selection process. This suggests the need to perform follow-up tests and monitoring. Completed application tests could yield evidence of housing providers turning down qualified applicants because of their disability and/or need for a reasonable accommodation. However, even application tests would not detect the full extent of discrimination against in-place tenants with disabilities, as opposed to applicants.

### **B. DIFFICULTIES LOCATING ELIGIBLE PROPERTIES**

There were a number of difficulties in locating eligible properties in the target areas, especially in less populated areas with smaller housing stocks, that met the sampling criteria. In some markets, including Petaluma and Northern Solano County, it was particularly difficult to find listings that included at least one policy prohibiting or restricting pets. The investigations coordinators expanded their online searches to include multiple rental listing sites, such as Zillow, Trulia, Hotpads, Zumper, and even Facebook Marketplace. But when even that was unsuccessful, the investigations coordinators were forced to test additional properties in other areas with more available listings.

## **VII. RECOMMENDATIONS**

**Disseminate audit results** to Marin County, Sonoma County, and Solano County officials, the general public, media, and advocacy groups as an important educational tool. Meet with local elected officials and partner organizations to inform them of the results of the audit and what steps need to be taken to combat disability discrimination in rental housing. Social media posts and press releases should focus on informing the public about barriers faced by people with disabilities even in the pre-application stage. Media efforts should also be devoted to try to counteract housing providers' views regarding emotional support animals and to inform the public of housing providers' obligations under the law.

**Monitor sites** where there was an indication of discrimination and/or differential treatment. FHANC may take further enforcement action.

**Offer fair housing training** seminars to the owners, managers, and agents audited in this report. The audit points out the need for continuous training in fair housing laws for all owners and managers of rental property, with an emphasis on the legal obligation of housing providers to grant reasonable accommodation requests. Training should also focus on the subtleties of differential treatment and the need to supply uniform information and treatment to all potential applicants. FHANC has conducted Fair Housing Law and Practice

seminars throughout the North Bay for many years. Such educational endeavors should be supported by public officials and aggressively marketed to housing industry providers through housing associations and elected officials. It is important to ensure that all housing providers and their staffs receive fair housing information and training.

**Work with housing providers** to ensure that they are following fair housing laws and that they understand the laws. Send flyers and/or notifications to properties where testing showed some differential treatment. Flyers and/or notices should inform housing providers that they are obligated to provide reasonable accommodations to tenants and applicants with disabilities; and, specifically they must make exceptions to pet policies for assistance animals, including emotional support animals. Ask members of the housing industry, such as property management firms in the area and local rental housing associations, to take a positive stance that fair housing is good business and good for business. Recommend that these organizations publicly declare their support with a statement on their letterhead, outreach materials, and forms. Ask that rental property owners and real estate offices check to make sure that the required HUD equal opportunity housing provider logo is posted in plain view for applicants.

**Conduct additional audits.** Because discrimination is so often subtle or cloaked as helpful suggestions, it may go undetected. Comparative studies such as this one are the best way to bring such practices to light. We recommend that Marin County, Sonoma County, and Solano County consider funding similar studies in the future.

Thus, it is in the best interest of local jurisdictions to assess whether barriers to entry exist in their housing market for individuals with disabilities, and whether housing providers have the requisite knowledge of their legal obligations regarding housing discrimination. Based on such assessments, advocates and elected officials must, if necessary, take appropriate measures to eradicate obstacles and educate stakeholders, including landlords, policy makers and people with disabilities, on fair housing protections for people with disabilities.

**Spread the word to potential targets.** Work with other agencies serving people with disabilities, to inform their clients of their fair housing rights and available services.

## REFERENCES

- <sup>1</sup> See *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923).
- <sup>2</sup> Okoro CA, Hollis ND, Cyrus AC, Griffin-Blake S. Prevalence of Disabilities and Health Care Access by Disability Status and Type Among Adults – United States, 2016. MMWR Morb Mortal Wkly Rep 2018;67:882–887. DOI: <http://dx.doi.org/10.15585/mmwr.mm6732a3external icon>
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- <sup>5</sup> <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>
- <sup>6</sup> Okoro CA, Hollis ND, Cyrus AC, Griffin-Blake S. Prevalence of Disabilities and Health Care Access by Disability Status and Type Among Adults – United States, 2016. MMWR Morb Mortal Wkly Rep 2018;67:882–887. DOI: <http://dx.doi.org/10.15585/mmwr.mm6732a3external icon>
- <sup>7</sup> Cree RA, Okoro CA, Zack MM, Carbone E. Frequent Mental Distress Among Adults, by Disability Status, Disability Type, and Selected Characteristics – United States, 2018. MMWR Morb Mortal Wkly Rep 2020;69:1238–1243. DOI: <http://dx.doi.org/10.15585/mmwr.mm6936a2>
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- <sup>10</sup> Mental Health Disorder Statistics, Johns Hopkins Medicine, <https://www.hopkinsmedicine.org/health/wellness-and-prevention/mental-health-disorder-statistics#:~:text=An%20estimated%2026%25%20of%20Americans,substance%20abuse%20and%20anxiety%20disorders.>
- <sup>11</sup> Ann Tran-Lien, JD, *The Therapist*, January/February 2013, <https://www.camft.org/Resources/Legal-Articles/Chronological-Article-List/reasonable-accommodations-and-emotional-support-animals#:~:text=Emotional%20support%20animals%20can%20offer,purposes%20of%20housing%20and%20travel>
- <sup>12</sup> 42 U.S. Code § 3604.
- <sup>13</sup> 29 U.S.C. § 794.
- <sup>14</sup> 42 U.S. Code § 12131.
- <sup>15</sup> Cal Gov Code § 12940.
- <sup>16</sup> Cal Civ Code § 51.
- <sup>17</sup> 42 U.S.C. § 3604(f).
- <sup>18</sup> See, 42 U.S.C. § 3604(f)(3)(B).
- <sup>19</sup> See Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act (“Joint Statement”), (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.
- <sup>20</sup> See Joint Statement (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.
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- <sup>27</sup> See Joint Statement (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.
- <sup>28</sup> HUD Office of Fair Housing and Equal Opportunity Notice (FHEO Notice): FHEO-2020-01 (January 28, 2020).
- <sup>29</sup> 28 USC 36.104
- <sup>30</sup> 42 USC 3601; HUD Regulations, 24 CFR 5

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<sup>31</sup> FHEO Notice: FHEO-2020-01 (January 28, 2020); See e.g., Bhogaita v. Altamonte Heights Condo. Ass’n, 765 F.3d 1277 (11th Cir. 2014) (reasonable accommodation to a housing provider’s rule that all dogs must be under 25 pounds).

<sup>32</sup> See Joint Statement (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>; See also, Fair Hous. of the Dakotas, Inc. v. Goldmark Prop. Mgmt., 778 F. Supp. 2d 1028 (D.N.D. 2011).

<sup>33</sup> See Joint Statement (May 17, 2004), at <https://www.hud.gov/sites/documents/huddojstatement.pdf>.

<sup>34</sup> Southern Marin includes the incorporated and/or unincorporated cities/ towns of Marin City, Sausalito, Mill Valley, Tiburon, and Belvedere.

<sup>35</sup> West Marin includes the incorporated and/or unincorporated cities/ towns of Woodacre, San Geronimo, Lagunitas, Forest Knolls, Lucas Valley, Stinson Beach, Bolinas, and Point Reyes Station.

<sup>36</sup> Central Marin includes the incorporated and/or unincorporated cities/ towns of Corte Madera, Larkspur, Kentfield, Ross, San Anselmo, and Fairfax.

<sup>37</sup> West Sonoma County includes the incorporated and/or unincorporated cities/ towns of Jenner, Guerneville, Monte Rio, Occidental, Sebastopol, Valley Ford, Bodega Bay, Timber Cove, Cazadero, Sea Ranch, Graton, and Forestville.

<sup>38</sup> Northern Sonoma County includes the incorporated and/or unincorporated cities/ towns of Cloverdale, Geyserville, Healdsburg, Windsor, Larkfield-Wikiup, and Fulton.

<sup>39</sup> Southern Sonoma County includes the incorporated and/or unincorporated cities/ towns of Roseland, Penngrove, Eldridge, Sonoma, Kenwood, Cotati, and Rohnert Park.

<sup>40</sup> Southern Solano County includes the incorporated and/or unincorporated cities/ towns of Benicia, Suisun City, and Rio Vista.

<sup>41</sup> Northern Sonoma County includes the incorporated and/or unincorporated cities/ towns of Cloverdale, Geyserville, Healdsburg, Windsor, Larkfield-Wikiup, and Fulton.