2024-2025 AUDIT REPORT

FAMILIAL STATUS AND SOURCE OF INCOME DISCRIMINATION IN RENTAL HOUSING

IN MARIN, SONOMA, & SOLANO COUNTIES

FAIR HOUSING ADVOCATES OF NORTHERN CALIFORNIA

851 Irwin Street, Suite 215
San Rafael, CA 94901
415.457.5025
http://www.fairhousingnorcal.org

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FOREWORD

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.1 In 1968, Congress passed the Fair Housing Act to prohibit discrimination in housing based on race, color, religion, sex, and national origin, and amended it in 1988 to add protections based on familial status and disability. Additionally, in 1974 the Housing Choice Voucher program (a.k.a. Section 8) was created with the goal of decreasing segregation and homelessness by ensuring that low-income renters can afford to live in communities of their choice, including those with higher opportunity.

However, despite legislative progress, voucher holders continue to face significant barriers to housing choice, including refusal by private landlords to accept rental subsidies. Because voucher holders are disproportionately also members of protected classes, these barriers are often compounded by discrimination, particularly for families with children. While familial status discrimination has been prohibited nationally for more than 40 years, parents, legal guardians, pregnant people and people in the process of obtaining legal custody of a child (such as through adoption, divorce, or foster care) continue to face barriers to housing access. In 2023, 9% of all fair housing complaints filed with HUD alleged discrimination on the basis of familial status.

In 2020, in an effort to increase housing opportunities for low-income families, including the more than 300,000 families with Section 8 vouchers in California, the state legislature amended the Fair Employment and Housing Act (FEHA) to prohibit discrimination against people with rental subsidies (source of income discrimination), including Section 8. This means that California landlords are no longer permitted to refuse to rent to prospective tenants because they have a voucher. The purpose of the amendment was to increase participation in the program by a broad range of housing providers in order to increase access to housing opportunities in different communities for low-income renters.

In order to assess the effectiveness of the recent changes in law and the extent to which housing providers are complying with their fair housing obligations, FHANC conducted a large-scale audit investigation of 60 rental properties in Marin, Sonoma, and Solano counties using testers posing as home seekers to determine how voucher holders and non-voucher holders with children were treated in the local rental market. The investigation, which is detailed in this report, uncovered significant evidence of discrimination based on source of income and/or familial status.

This audit was carried out from November 2024 through April 2025 by FHANC's Director of Investigations, Maria Callahan, and Investigations Coordinators, Kat Raymond, Sriraksha Srivatsav, and Blanca Fraass, under the supervision of Legal Director, 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 familial status and source of income and to educate housing providers on their obligation to comply with fair housing laws.2

1 See *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923).

2 Note: All opinions, findings, conclusions and recommendations expressed in this material are those of the authors and do not necessarily reflect the views of any other entities, including those that provided funding support for this project.

EXECUTIVE SUMMARY

This report details the results and subsequent recommendations following FHANC's investigation of discrimination against parents with Section 8 vouchers in Marin, Sonoma, and Solano counties ("the tri-county area"). While the Fair Housing Act has prohibited housing discrimination on the basis of familial status for decades, research and the results of this audit show that households with minor children continue to experience discrimination as a barrier to housing choice. Additionally, while the number of landlords that publicly state that they are willing to accept housing vouchers has increased dramatically since California amended its fair housing law in 2020 to prohibit discrimination against people with rental subsidies, the results of this audit show that many landlords still have eligibility screening criteria that disproportionately exclude voucher holders, in violation of the Fair Employment and Housing Act (FEHA).

For this audit, FHANC investigated sixty (60) housing providers (landlords) operating rental properties in Marin, Sonoma, and Solano counties (tri-county area); with twenty (20) properties investigated in each county. Each "test" or investigation of a particular property consisted of matched paired phone tests, comparing the experiences of testers posing as voucher holders and non-voucher holders with minor children seeking rental housing.

FHANC analyzed the tests to determine whether voucher holders with children were treated less favorably than non-voucher holders with children and/or whether housing providers had policies or made statements that were discriminatory on the basis of familial status and/or source of income. FHANC found that 58.3% of the housing providers investigated discriminated on the basis of familial status (18.3%) and/or source of income (50%) and 10% discriminated on the basis of both.

Many of the tests revealing discrimination showed that housing providers outright refused to rent to families with children or had policies that disproportionately affected families such as overly restrictive occupancy rules. Additionally, some housing providers that discouraged the tester with a voucher from renting, suggesting that the unit would be too small for that family size, made no such comments to the tester without a voucher and/or were willing to make exceptions to occupancy rules for the non-voucher holder tenant, revealing evidence of discrimination based on both familial status and source of income.

Housing providers in Marin County were revealed to be the most discriminatory, with 65% of tests revealing at least some evidence of discrimination. When isolating the two protected classes, tests conducted in Marin County revealed the most evidence of familial status discrimination (25%), and tests conducted in Solano County revealed the most evidence of source of income discrimination (55%). Housing providers in Solano County were the least discriminatory based on familial status; with 10% of tests revealing evidence of familial status discrimination, and housing providers in Sonoma County were the least discriminatory based on source of income, with 45% of tests revealing evidence of source of income discrimination.

Based on these results, FHANC has proposed a number of recommendations for the housing industry and community at large to help increase housing opportunity for voucher holders with children and address the systemic discrimination these families currently face.

FAMILIAL STATUS AND SOURCE OF INCOME
DISCRIMINATION IN RENTAL HOUSING

AUDIT REPORT

I. INTRODUCTION

This report presents results of an audit investigation of familial status and source of income discrimination in the rental market against voucher holders with children in Marin, Sonoma, and Solano counties in California. The audit was conducted by FHANC between November 2024 and April 2025.

A. FAIR HOUSING ADVOCATES OF NORTHERN CALIFORNIA (FHANC)

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. FHANC's mission 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), Solano County, and Napa 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. LEGAL BACKGROUND

1. Federal and State Fair Housing Laws

Title VIII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act (FHA), prohibits discrimination in housing on the basis of race, national origin, color, religion, sex/gender, disability, or familial status. Under the Act, it is illegal to engage in the following activities because of a person's membership in a protected class:

a. Refuse to sell or rent after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling;

b. Discriminate in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities;

c. Make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates discrimination, preference, or limitation;

d. Represent that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact available;

e. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or race; and/or

f. Refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

The two primary state fair housing laws in California are the Fair Employment and Housing Act (FEHA) and the Unruh Civil Rights Act. These laws incorporate the same protected classes of persons as the Fair Housing Act, and also prohibit discrimination based on source of income (including rental vouchers), marital status, sexual orientation, ancestry, immigration status, citizenship, primary language and arbitrary factors such as age or occupation.

2. Familial Status Discrimination

Both federal and state fair housing laws prohibit housing discrimination based on familial status. (*See* 42 U.S.C. §3604(a); Cal. Gov't Code §§ 12955(a)). Familial status protections apply to families with one or more minor child in the home. These protections extend not only to parents of children but also legal guardians (such as grandparents or other family members), persons who are pregnant, persons who are in the process of obtaining legal custody of a minor child (such as through adoption, divorce or foster care), and persons who have written permission of the parent or legal guardian to house the child. (*See* 42 U.S.C. § 3602(k)).

There are two theories of liability under fair housing law: disparate treatment and disparate impact. Policies that specifically apply to children or families with children are considered facially discriminatory under the theory of disparate treatment because they explicitly target and exclude a group that is protected by fair housing laws. However, even policies that are neutral on their face and neutrally applied (in that they do not specifically apply only to children), may also be unlawful if they disproportionately impact families with children compared to those without children. Policies with a "discriminatory effect" or "disparate impact" are considered discriminatory because they unreasonably limit housing choices for members of protected classes, even if the housing provider has no intent to discriminate.

<u>Different Terms and Conditions</u>

It is unlawful for a housing provider to treat families with children less favorably than adult-only households, even if the housing provider's policies are not motivated by animus. (42 U.S.C. § 3604(b) (FHA prohibits discrimination in the "terms, conditions, and privileges of a rental dwelling because of familial status"). Guidance from the U.S. Department of Housing and Urban Development (HUD) makes clear that housing providers are to make all of their units available to families with children, regardless of whether the provider believes the unit is suitable or safe for children. A housing provider cannot refuse to rent to an applicant because their household includes a child and tenants cannot be evicted on the basis of having a baby or bringing a child into the unit.

Housing providers cannot impose different terms or conditions, such as higher security deposits or rental charges, on tenants with children or require them to sign a waiver of liability that the provider does not require of other tenants. (*See* 42 U.S.C. § 3604(b); *see also,* HUD, 2 Legal Opinion: GME-0010, "Fair Housing Act Enforcement: Safety Issues as Defenses to Familial Status Discrimination" (Aug 6, 1992)). Additionally, a landlord may not evict a family based on complaints of typical child behavior, such as running, playing, or making noise during non-quiet hours. (*See e.g., U.S. v. M. Westland Co.*, CV 93-4141 (court found a rule prohibiting all children from using billiard and shuffleboard facilities violated the Fair Housing Act); *see also, Fair Housing Congress v. Weber*, 993 F. Supp. 1286 (C.D. Cal. 1997) (court found a rule prohibiting children from playing and running to be discriminatory)).

Similarly, policies or rules that prohibit minor children from playing outside of their respective units or from using common areas have been found to be discriminatory – even if they are designed to protect children from safety hazards – because they intentionally treat families with children differently than families without children. (*See Vargas v. Monitor Management Co.*, No. B186087, 2006 WL 2615315 (Cal.App.2d Dist. Sept. 13, 2006); *see also, HUD v. Edelstein*, HUDALJ 05-90-0821-1, 1991 WL 442784 (HUD Dec. 9, 1991)). It is up to the tenant to decide what is safe for her own children, not the landlord. (*See HUD v. Edlestein*, 1991 WL 442784, at *5 (HUD 1991) ("As a general rule, safety judgments are for informed parents to make, not landlords"); *see also HUD v. Paradise Gardens*, HUDALJ 04-90-0321-1, 1992 WL 406531, at (HUDALJ Oct. 15, 1992) (a landlord's various pool restrictions for children were found to violate the Fair Housing Act, despite the landlord's contention that the rules were based on child safety concerns)). In California, a landlord's concern for the safety of children is not an affirmative defense to liability for familial status discrimination. (*See DFEH v. Jevremov*, No. 97-02, FEHC Precedential Decs. 1997, CEB 1, 1997 WL 253179Cal. FEHC Feb. 5, 1997).

Under federal law, a housing provider may only implement a rule that applies exclusively to children or families with children if there is a compelling business justification for the rule and the provider can show that the rule is the least restrictive means of achieving that justification. (*See Fair Housing Council v. Ayres*, 855 F.Supp. 315, 318-19 (C.D.Cal. 1994)). In *U.S. v. M. Westland Co.*, the court found that while safety may be a compelling business justification, a rule requiring children to be supervised at all times was not the least restrictive means of achieving that justification because the rule applied to all children under 18, including teenagers and older children who could safely be left unsupervised. (*U.S. v. M. Westland Co.*, CV 93-4141). In *Fair Housing Congress v. Weber*, the court found that a rule prohibiting children from playing in common areas in order to prevent property damage and the disturbance of other tenants was not the least restrictive means of achieving those objectives because the rule prohibited all play, even nondisruptive play. (*Fair Housing Congress v. Weber*, 993 F. Supp. 1286 (C.D. Cal. 1997)). Additionally, a rule with a compelling business justification may still be considered discriminatory if the alleged justification for the rule is determined to be pretextual. (*See Bischoff v. Brittain* (E.D. Cal., 2014) (evidence before the court raised serious questions as to whether the landlord's alleged concern for safety of children or comfort of tenants was pretextual).

Steering

Additionally, a housing provider may not steer families with children away from certain neighborhoods or areas of a housing complex or segregate families to certain floors or buildings in a complex, regardless of the landlord's motive. (*See HUD v. Edelstein*, Fair Housing-Fair Lending ¶ 25,018, p. 25,236 and 25,239 (1991) ("A landlord cannot justify steering families with children away from housing by groundlessly claiming that the housing would be unsafe for resident children")). For example, families with children cannot be excluded from units on the upper floors of a high-rise building just because the housing provider thinks it would present a special health or safety risk to children. Similarly, a landlord cannot restrict families with children to ground floor units in order to reduce noise disturbances for other tenants.

Discriminatory Statements

The Fair Housing Act prohibits statements or advertisements that indicate a preference, limitation, or discrimination based on familial status, or an intention to make any such preference, limitation, or discrimination. (42 U.S.C. § 3604(c)). This applies to all written and oral statements made by someone engaged in the rental of a unit. (24 C.F.R. § 100.75(b)). For example, a rental ad that uses words such as "adults" or "singles" or photographs to convey the message that units are not available to families with children may be unlawful. Additionally, statements discouraging a family with children from renting a dwelling by exaggerating drawbacks of the unit or complex are also considered discriminatory. (24 C.F.R. § 100.70(c) (2); *see also U.S. v. Grishman*, 818 F. Supp. 21 (D.Me.1993) (landlord's oral statement to rental agent that property was "less suitable" for families with children is a statement indicating a preference based on familial status in violation of § 804(c)). No discriminatory intent is required – the test is whether the ordinary listener would understand that a preference is being communicated. (*Ragin v. New York Times Co.*, 923 F.2d 995, 999 (2d Cir.); *see also United States v. Hunter*, 459 F.2d 205, 215 (4th Cir.)).

Occupancy Limits

While landlords may limit a unit's occupancy to a maximum number of people, in order to comply with fair housing laws, the limit must be reasonable. An overly restrictive occupancy limit – even if applied neutrally to households with children and without children – may be considered discriminatory, regardless of whether the landlord has a discriminatory motive for the policy, because it disproportionately impacts families with children. (*See e.g., Fair Hous. Ctr. of Washington v. Breier-Scheetz Properties, LLC*, 743 F. App'x 116 (9th Cir. 2018)) (occupancy standard that limits studio apartments to only one occupant found to be overly restrictive under the Fair Housing Act because it has a discriminatory effect on families with children). Whether a given policy is reasonable depends on a variety of factors, including the number of bedrooms, the size of the unit, other physical limitations of the housing, and state and local laws or codes.

In California, the Civil Rights Department (CRD), which enforces state fair housing laws, generally uses a "two-plus-one" formula to determine whether an occupancy policy is discriminatory. Under this formula, a policy is considered to be overly restrictive if it does not allow at least two people per bedroom plus one additional person for the household. For example, a landlord must allow three people to occupy a one-bedroom unit, five people to occupy a two-bedroom unit, and so on.

However, even if a landlord complies with the "two-plus-one" formula, the occupancy policy may still be considered overly restrictive if it is not reasonable, considering the actual size of the unit, not just the number of bedrooms. For example, Section 503.2 of California's Uniform Housing Code requires that an efficiency unit (i.e., a studio) have a living space of at least 220 square feet in area plus 100 square feet for each occupant in excess of two. That means that a studio apartment with a living area of more than 320 square feet, but less than 420 square feet, may have up to three occupants. Since the Code has contemplated what is a safe number of people for a unit of that size, a landlord that imposes a more restrictive policy for such a unit likely violates California fair housing law.

3. Source of Income Discrimination

California's Fair Employment and Housing Act (FEHA) makes it unlawful for a housing provider to discriminate based on source of income. This includes refusing to rent, sell, or lease a dwelling to a prospective tenant because of their source of income or offering inferior terms or conditions to a tenant because of their source of income. (See Gov't Code Code §§ 12927, 12955). "Source of income" means lawful, verifiable income paid directly to a tenant, or to a representative of a tenant, or paid to a housing provider on behalf of a tenant, and it includes public assistance and housing subsidies. (Id).

Therefore, a housing provider's policy of refusing to rent to an applicant because they have a rental voucher or rental subsidy (such as Section 8) is not permitted under California law. While a housing provider may require prospective tenants to demonstrate sufficient income to pay the rent, it is illegal to deny an applicant because all or part of their income comes from a source other than employment. Additionally, while imposing different terms or conditions for people with protected characteristics than for people without such characteristics would usually be considered a violation of fair housing laws, in the source of income context the opposite is true – landlords are actually permitted (and in some cases required) to make exceptions to certain screening criteria for tenants with vouchers that they do not make for tenants without vouchers, such as exceptions to income and credit requirements.

Policies that exclude voucher holders may also violate both FEHA and the federal Fair Housing Act (FHA) if applied differently to some groups or applicants as compared to others. For example, if a housing provider has a policy of not accepting Section 8 but makes exceptions for white voucher holders, this practice would violate the FHA because it treats members of a protected class (non-white applicants) less favorably. (*See* 42 U.S.C. § 3604(a)). Additionally, even if a "no Section 8" policy is applied neutrally to all applicants, it may still violate federal fair housing law because in most places, including the Bay Area, voucher holders are disproportionately members of protected classes (e.g.: women, people of racial and ethnic minorities, people with disabilities, and people with children) so refusing to rent to voucher holders may have a disproportionate effect (or disparate impact) on certain protected groups.

<u>Income Requirements</u>

If a housing provider has a minimum income requirement based on the rent for a particular unit, for applicants with rental vouchers or subsidies, that income threshold must be calculated based on the amount of rent that will be paid by the tenant (not the entire contract rent amount). (*See* Gov't Code § 12955(o)(1)(A)). For example, if the rent portion that a tenant with a voucher will pay is $200, and a landlord requires that tenants have income that is three times the rental amount, the income

requirement for this tenant would be $600 (as opposed to three times the entire rent amount).

Because the Housing Authority will cover much, or in some cases all, of a voucher holder's rent, requiring a voucher holder to meet an income requirement is not usually necessary to ensure that the rent will get paid. The portion of rent that a tenant with a voucher pays is calculated based on their income (generally 30%-40% of the tenant's income), so if a landlord imposes income requirements in a lawful manner a voucher holder will nearly always meet the requirement. For that reason, many landlords opt to forgo income requirements for voucher holders to avoid additional steps in the screening process, particularly given that the majority of the rent is guaranteed by the Housing Authority so there is less of a risk that the rent will not get paid.

Credit Requirements for Voucher Holders

When an applicant has a government subsidy such as a voucher, it is unlawful for a landlord to use that person's credit history as part of the application process for a rental accommodation without offering the applicant the option, at the applicant's discretion, of providing lawful, verifiable alternative evidence of the applicant's reasonable ability to pay the portion of the rent to be paid by the tenant, including, but not limited to, government benefit payments, pay records, and bank statements. An applicant must be given reasonable time to respond with the alternative evidence. (Cal. Govt. Code § 12955(o)(1)(B)).

Discriminatory Statements

The Fair Housing Act prohibits statements or advertisements that indicate a preference, a limitation, or discrimination based on national origin, or an intention to make any such preference, limitation, or discrimination. (42 U.S.C. § 3604(c)). This applies to all written and oral statements made by someone engaged in the rental of a unit. (24 C.F.R. § 100.75(b)). A housing provider does not need to explicitly state an exclusionary policy or limitation in order to be liable under the Fair Housing Act – a statement that suggests a preference for tenants without rental subsidies may be sufficient. No discriminatory intent is required – the test is whether the ordinary listener or reader would understand that a preference for renters without a particular protected characteristic is being communicated. (*See United States v. Hunter*, 459 F.2d 205, 215 (4th Cir.)).

Steering

Additionally, a housing provider may not steer families away from certain neighborhoods or segregate families to certain areas of a complex based on their voucher status. For example, telling a family with a voucher they may feel more comfortable in a different neighborhood or only offering to show a prospective tenant units at some the landlord's properties but not others violates the Fair Housing Act.

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 complaint-based testing 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. DEFINITIONS

1. *Testing* – an investigative tool used to gather evidence of potential housing discrimination that involves one or more testers and is generally covert in nature.

2. *Test* – an investigation of a particular property, involving one or more testers/ test parts.

3. *Investigation* (multiple meanings) – one test targeting a single housing provider (with one or more test parts); a series of tests targeting a single housing provider; OR an audit of multiple housing providers in a target geographic region.

4. *Test Part* – a contact or series of contacts via phone, email, and/or in person by a single tester with a target housing provider (e.g., a matched paired test consists of two test parts).

5. *Complaint Test* – a test conducted to corroborate (or refute) existing evidence of discriminatory practices.

6. *Audit* – a controlled and systematic way to assess compliance or non-compliance with fair housing laws by housing providers in a particular housing market by using testers to determine how people with protected characteristics are treated in the rental or homebuying process.

7. *Single-Part Test* – a test that involves only one tester; usually used to determine whether a discriminatory policy exists.

8. *Matched Paired Test* – a two-part test that involves two similarly matched testers – one control and one protected – posing as comparably qualified home seekers, on personal, financial, and other characteristics; used to detect differences in service, information, or treatment.

9. *Control Tester* – a tester whose profile does not include the protected characteristic(s) tested.

10. *Protected Tester* – a tester whose profile includes one or more protected characteristic tested.

11. *Tester Profile* – the characteristics and backstory assigned to a tester prior to conducting a test, which may include an alias, financial characteristics (such as income and credit information), an address, employment, a spouse, and/or one or more protected characteristic.

C. AUDIT GOALS

1. **To identify instances of differential treatment/discrimination at available rental sites**, including houses and larger multi-family complexes, thus indicating the extent to which voucher holders with children face difficulty in securing rental housing in Marin, Sonoma, and Solano counties due to familial status and/or source of income discrimination.

2. **To conduct additional tests** where results indicate potential discrimination, and to conduct additional investigations at sites where results suggest that further investigation could yield stronger evidence of discrimination.

3. **To bring minor violations to the attention of housing providers** to increase awareness of the potential consequences of engaging in discriminatory practices and prevent future transgressions.

4. **To file enforcement actions** (lawsuits or administrative complaints) in cases with strong evidence of discrimination in order to change discriminatory policies and practices.

5. **To increase housing providers' awareness** of the difficulties voucher holders with children experience in securing rental housing.

6. **To make voucher holders and families with children aware of discriminatory practices** they may experience and the services provided by FHANC to assist people in asserting their fair housing rights.

7. **To offer training to housing providers** on fair housing laws and practices to forestall future discrimination.

D. GEOGRAPHIC SCOPE OF AUDIT

FHANC tested a total of 60 properties: 20 in Marin County, 20 in Sonoma County, and 20 in Solano County. FHANC tested properties in areas representing a cross section of more densely populated cities (Novato, San Rafael, Santa Rosa, Petaluma, Vallejo, Fairfield, and Vacaville) as well as more suburban and rural areas with lower population densities.

E. AUDIT METHODOLOGY

1. Types of Investigations

Investigation coordinators conducted 60 match paired phone tests (120 tests) at 60 rental properties within the target geographic area. For each investigation, the coordinator assigned two testers: a "protected" and a "control." The protected profile included two children and a Housing Choice Voucher and the control profile included two children but no voucher.

2. Sampling Techniques

Investigations coordinators selected properties to test within the target geographic areas from

advertisements posted on online sources (including but not limited to Craigslist.com, Trulia.com, Hotpads.com, Apartments.com, Zillow.com, and property websites). Investigations coordinators only selected properties for testing that had one-bedroom units available and for which the advertised rent did not exceed the maximum allowable rent pursuant to the local Housing Authority's payment standards. Shared homes were not tested, nor were vacation homes nor short-term rentals.

3. Recruitment, Screening, and Training of Testers

a. Tester Training

All testers received fair housing tester training and training in investigative procedures. All testers posing as the protected profile also received specialized training in the Section 8 voucher program ensuring that they were able to competently speak about the program with rental agents.

b. Tester Selection

Only testers with voices clearly identifiable as white and female were selected as testers.

4. Test Procedures

a. Property Selection

For each phone investigation, the investigations coordinator identified a rental property in the target geographic area, pursuant to the sampling techniques set forth above.

b. Tester Selection

For each investigation, the investigations coordinator assigned two testers, both white females. Each tester was matched to their counterpart as closely as possible in age, gender, and temperament. None of the testers selected had protected characteristics that could be identifiable over the phone, such as disabilities or foreign accents, so as not to introduce additional protected variables.

c. Profiles

For each test, the investigations coordinator created and assigned each tester a profile with an alias, financial information, family information, and other personal background information. All profiles were of white, single mothers so all testers were assigned white-sounding female names as aliases. All profiles included two children and no spouse. The protected profile included a Housing Choice Voucher while the control profile had no voucher (or other rental subsidy). The matched profiles were designed to avoid any indication of differences in other protected characteristics.

Both testers were instructed to express interest in only one-bedroom apartments and each profile included two children so that the total household size for each profile (three people) was the maximum allowable number of occupants for the unit pursuant to CRD's "two-plus-one" guideline, which provides that an occupancy limit is overly restrictive unless it allows for at least two people per bedroom plus one additional person for the household. This was to ensure that if housing providers attempted to use occupancy restrictions as a proxy or justification for excluding families with children,

that discriminatory practice would be detected as none of the tester households exceeded the maximum allowable number of occupants.

Both profiles included one older child (13-16 years old) and one younger child (1-4 years old). Both profiles included one male child and one female child. This was to ensure that if a housing provider discriminated based on the age or gender of the children, that discrimination would be detected.

Matched profiles included roughly equivalent rental credentials, including similar rental and work histories. However, the protected profile's employment income was lower than the control profile's in order to account for the fact that the protected profile included a voucher. No profiles included any source of income other than employment and/or a Housing Choice Voucher.

Each profile included an email address for testers to provide to the housing provider if appropriate. The email accounts were created and managed by the investigations coordinators. The email address assigned to each tester corresponded with the tester's alias. Each profile included a spoofed phone number created through the "Hushed" application, which allowed testers to use their own phones but masked their real phone number and identity.

d. Test Assignments

For each test, the investigations coordinator created a test assignment for each tester based on the information collected from the rental listing. The test assignments included information about the listing (i.e., 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. Instructions for the protected tester included information about their voucher, such as the applicable housing authority, the payment standard for the jurisdiction, and an approximation of the amount of rent the tenant would be expected to contribute toward the rent.

Prior to starting the test, the investigations coordinator briefed each tester via phone and/or email and sent each tester their test assignment. Testers were instructed to review their test assignments, acknowledge receipt and understanding of the test instructions, and discuss any questions or concerns about their assignments with the investigations coordinator prior to starting the test.

e. Tests

Testers began each the test by calling the listed rental agent. The protected tester was instructed to start the test as soon as possible after reviewing the assignment (within reasonable hours). The control tester was generally instructed to start the test shortly after the protected tester completed the test (within 24 hours, if possible).

If the protected tester reached an answering machine, the tester was instructed to leave a message stating her name (alias), her spoofed phone number, her interest in the listed property, and that she had a Section 8 voucher. If the control tester reached an answering machine, she was instructed to leave a message stating her name, her spoofed phone number, and her interest in the listed property. Neither tester will be instructed to disclose that they have children in their voicemails. If either tester's voicemail was not returned, she was instructed to make additional attempts to reach the housing provider and leave additional voicemails, if necessary.

If the tester reached a person associated with the listed property (eg: the owner or agent), the tester was instructed to introduce herself and state that she was calling about the advertised unit. Each tester was instructed to seek information from the rental agent about the rental unit and the rental process, including the rent, the security deposit, the application process, the application fee, the credit check process, whether any utilities and/or amenities were included, and any other relevant information about the rental. If either tester was asked any questions about herself by the agent, the tester was instructed to answer according to her profile.

At the beginning of the test, the protected tester was instructed to disclose that she had a Section 8 voucher and ask if the landlord accepted vouchers. If the tester was told that the landlord or property did not accept vouchers, the tester was instructed to get more information about the policy (e.g.: "Can I ask why not?" or "Is that management's policy or the owner's policy?"). If the eligibility criteria included a minimum income requirement, the protected tester was instructed to ask how that requirement would be applied to applicants with vouchers. If there was a credit check, the protected tester was instructed to ask if she could provide alternative proof of her ability to pay the rent, such as bank statements or rental history, rather than submit to a credit check.

For each investigation, both testers were instructed to disclose that they were single mothers with two children. The protected tester was instructed to disclose her family composition before she asked about the security deposit and the control tester was instructed to disclose her family composition after asking about security deposit (unless the housing provider asked about her household composition earlier in the conversation). This was to determine whether the housing provider had a policy or practice of charging a higher security deposit if/once they became aware that the household included children.

Testers were instructed not to schedule appointments to view the property, submit a completed rental application, or agree to a background check.

f. Debriefs

Shortly after each test (usually immediately but never more than 24-hours after completing the test), the investigations coordinator debriefed the tester. During each debriefing, testers provided a description of what happened during the test and discussed any issues or concerns that may have arisen. If the investigations coordinator determined that additional information was needed, the tester was instructed to call the agent back or, in some cases, the investigations coordinator emailed the agent from the tester's email, posing as the tester.

g. Test Reports

After each test, the tester completed a Report Form in which they documented information 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, and 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, the tester wrote and submitted a narrative description of what happened during the test, including all interactions with the housing provider. Testers signed and dated their Report Forms and narratives upon completion.

III. AUDIT ANALYSIS

A. ANALYSIS PROCESS

FHANC compared the Report Forms and narratives for each test to assess whether matched testers received the same or different treatment from each other. FHANC also reviewed the experiences of the control and protected testers to determine whether there was evidence that the housing provider had any discriminatory policies or whether they made any discriminatory statements related to familial status, source of income, or any other protected class.

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

1. The housing provider's willingness to rent to each tester;

2. Whether the housing provider offered superior rental terms and/or conditions (such as lower rent, lower security deposit, lower application fee, better lease options, additional/alternative rental options, extra amenities, and/or special offers) to the control tester versus the protected tester;

3. Whether the housing provider followed up with either tester 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 testers regarding applicant qualifications, eligibility, or rental criteria; and

6. Any comments by housing providers and/or general treatment of testers indicating encouragement, discouragement, and/or steering.

B. CLASSIFICATIONS BASED ON STRENGTH OF EVIDENCE

FHANC analyzed each test for familial status discrimination and source of income discrimination separately. For each protected class category, tests were classified as either: 1) showing clear evidence of discrimination, 2) revealing some or potential evidence of discrimination, or 3) showing no or insufficient evidence of discrimination).

1. Clear Discrimination

For the purposes of this report, "clear evidence of discrimination" refers to clear violations of the Fair Housing Act (FHA) and/or the Fair Employment and Housing Act (FEHA), including but not limited to:

- Having a policy or practice of denying rental applications because the applicant has at least one minor child in their household and/or because the applicant has a rental voucher/subsidy;

- Applying policies inconsistently based on source of income and/or familial status and/or willingness to make an exception to a stated policy for a tester without a voucher but not a with a voucher;

- Refusing to rent to or negotiate with a person because of their familial status and/or source of income;

- Having a maximum occupancy limit that has a disparate impact on families with children and is therefore discriminatory, pursuant to California's Civil Rights Department guidelines;

- Making a false representation about rental availability to a person because of their familial status and/or source of income;

- Offering inferior terms, conditions, privileges, or services to a person because of their familial status and/or source of income;

- Suggesting another neighborhood or property would be more suitable because of a person's familial status and/or source of income (steering);

- Making discriminatory statements regarding a person's familial status and/or source of income;

- Responding to an inquiry from the control tester after failing to respond to multiple inquiries from the protected tester;

- Stating or indicating a preference for certain applicants based on their familial status and/or source of income or implying that a person's application would likely be denied because of their familial status and/or source of income; and/or

- Discouraging a person from applying because of their familial status and/or source of income.

2. Some/ Potential Discrimination

For the purposes of this report, "some/ potential evidence of disability discrimination" refers to some, but not clear, evidence of a discriminatory policy and/or other evidence that indicates a likelihood of discrimination, including but not limited to:

- Communicating less substantial differences in rental terms or eligibility criteria to each tester;

- Communicating different terms or eligibility criteria to each tester (where each tester speaks to a different agent);

- Making comments that *could* indicate a preference for families without children and/or families without vouchers, but are not conclusive;

- Responding to an inquiry from a control tester after failing to respond to an inquiry from a protected tester where the protected tester made only one contact attempt;

- Causing delays in the application process by failing to answer questions about policies related to occupancy limits, eligibility criteria, minimum income requirements, credit checks, or other eligibility criteria after learning of a tester's protected status; and/or

- Making negative comments about a housing provider's legal obligation to comply with fair housing laws (despite indicating a willingness to rent to a tester with protected characteristics).

3. No/ Insufficient Evidence of Discrimination

For the purposes of this report, "no/insufficient evidence of familial status discrimination" refers to tests where:

- The housing provider did not make any statements that could be interpreted as discriminatory on the basis of familial status; and

- The housing provider did not make any statements indicating the existence of a discriminatory practice or policy regarding familial status or a policy that has a disparate impact on families with children.

For the purposes of this report, "no/insufficient evidence of source of income discrimination" refers to tests where:

- The housing provider did not make any statements that could be interpreted as discriminatory on the basis of source of income;

- The housing provider did not make any statements indicating the existence of a discriminatory practice or policy related to source of income or a policy that has a disparate impact on families with vouchers; and

- Both testers received substantially similar information and/or treatment by the housing provider.

III. AUDIT RESULTS

A. OVERALL RESULTS

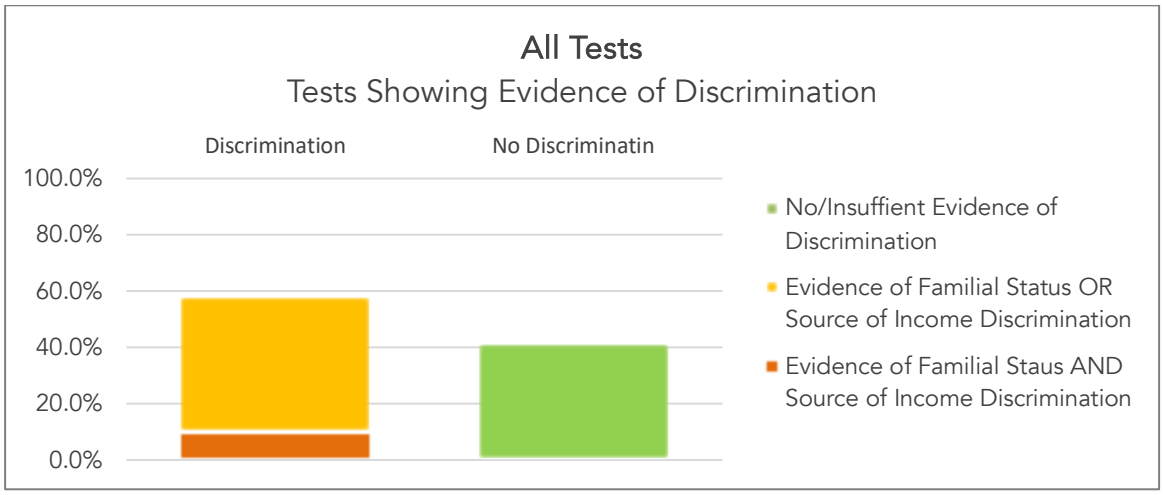
Test #	Property County	Property City	Property # of Units	Source of Income Discrimination	Familial Status Discrimination
T-00259	Solano	Vallejo	3	Some/ Potential Discrimination	Clear Discrimination
T-00261	Marin	San Rafael	12	Clear Discrimination	No Discrimination
T-00266	Sonoma	Santa Rosa	230	No Discrimination	No Discrimination
T-00267	Solano	Vallejo	4	No Discrimination	No Discrimination
T-00269	Sonoma	Santa Rosa	4	Clear Discrimination	Clear Discrimination
T-00271	Solano	Fairfield	170	No Discrimination	No Discrimination
T-00272	Solano	Fairfield	38	Clear Discrimination	Clear Discrimination
T-00275	Solano	Fairfield	110	Some/ Potential	No Discrimination

				Discrimination	
T-00276	Marin	San Rafael	25	No Discrimination	Clear Discrimination
T-00278	Solano	Vallejo	7	Clear Discrimination	No Discrimination
T-00279	Sonoma	Santa Rosa	22	No Discrimination	Clear Discrimination
T-00280	Solano	Benicia	60	Some/ Potential Discrimination	No Discrimination
T-00281	Sonoma	Santa Rosa	10	No Discrimination	No Discrimination
T-00282	Solano	Vallejo	64	Some/ Potential Discrimination	No Discrimination
T-00283	Solano	Vacaville	75	No Discrimination	No Discrimination
T-00284	Marin	San Rafael	42	Clear Discrimination	No Discrimination
T-00286	Sonoma	Santa Rosa	6	Some/ Potential Discrimination	No Discrimination
T-00287	Solano	Suisun City	76	Clear Discrimination	No Discrimination
T-00290	Solano	Fairfield	107	Clear Discrimination	No Discrimination
T-00294	Sonoma	Santa Rosa	90	Clear Discrimination	No Discrimination
T-00297	Solano	Vallejo	560	Clear Discrimination	No Discrimination
T-00298	Solano	Fairfield	28	No Discrimination	No Discrimination
T-00299	Marin	San Rafael	40	No Discrimination	No Discrimination
T-00302	Marin	San Rafael	24	No Discrimination	No Discrimination
T-00303	Solano	Fairfield	237	No Discrimination	No Discrimination
T-00304	Sonoma	Santa Rosa	6	No Discrimination	No Discrimination
T-00306	Solano	Vacaville	4	No Discrimination	No Discrimination
T-00312	Marin	San Rafael	2	No Discrimination	No Discrimination
T-00313	Solano	Vacaville	54	Some/ Potential Discrimination	No Discrimination
T-00314	Solano	Vacaville	68	No Discrimination	No Discrimination
T-00316	Sonoma	Santa Rosa	4	Clear Discrimination	No Discrimination
T-00317	Solano	Fairfield	32	No Discrimination	No Discrimination
T-00320	Marin	Mill Valley	25	Clear Discrimination	No Discrimination
T-00325	Sonoma	Rohnert Park	53	Some/ Potential Discrimination	No Discrimination
T-00326	Sonoma	Rohnert Park	38	Clear Discrimination	Clear Discrimination
T-00330	Solano	Vallejo	90	No Discrimination	No Discrimination
T-00331	Marin	San Rafael	28	No Discrimination	No Discrimination
T-00332	Solano	Benicia	6	Clear Discrimination	No Discrimination
T-00335	Marin	Novato	136	Clear Discrimination	No Discrimination
T-00337	Marin	Corte Madera	49	Clear Discrimination	Clear Discrimination
T-00338	Marin	Novato	88	Clear Discrimination	No Discrimination
T-00339	Sonoma	Rohnert Park	106	Clear Discrimination	No Discrimination
T-00340	Marin	Novato	180	No Discrimination	No Discrimination
T-00341	Sonoma	Rohnert Park	64	No Discrimination	No Discrimination
T-00342	Sonoma	Petaluma	492	No Discrimination	No Discrimination
T-00344	Marin	Sausalito	3	Clear Discrimination	Clear Discrimination
T-00348	Marin	Sausalito	198	Some/ Potential Discrimination	No Discrimination
T-00351	Sonoma	Santa Rosa	150	No Discrimination	No Discrimination
T-00352	Marin	San Rafael	2	No Discrimination	Some/ Potential Discrimination
T-00353	Sonoma	Rohnert Park	32	No Discrimination	No Discrimination

T-00354	Marin	Mill Valley	202	Clear Discrimination	No Discrimination
T-00357	Sonoma	Sebastopol	27	No Discrimination	Clear Discrimination
T-00358	Marin	San Rafael	31	Clear Discrimination	No Discrimination
T-00361	Sonoma	Santa Rosa	120	No Discrimination	No Discrimination
T-00362	Marin	Larkspur	455	No Discrimination	Some/ Potential Discrimination
T-00363	Marin	Corte Madera	19	No Discrimination	No Discrimination
T-00368	Sonoma	Cloverdale	7	Clear Discrimination	No Discrimination
T-00373	Sonoma	Rohnert Park	63	No Discrimination	No Discrimination
T-00374	Marin	San Rafael	30	No Discrimination	No Discrimination
T-00375	Sonoma	Petaluma	31	Some/ Potential Discrimination	No Discrimination

1. All Tests

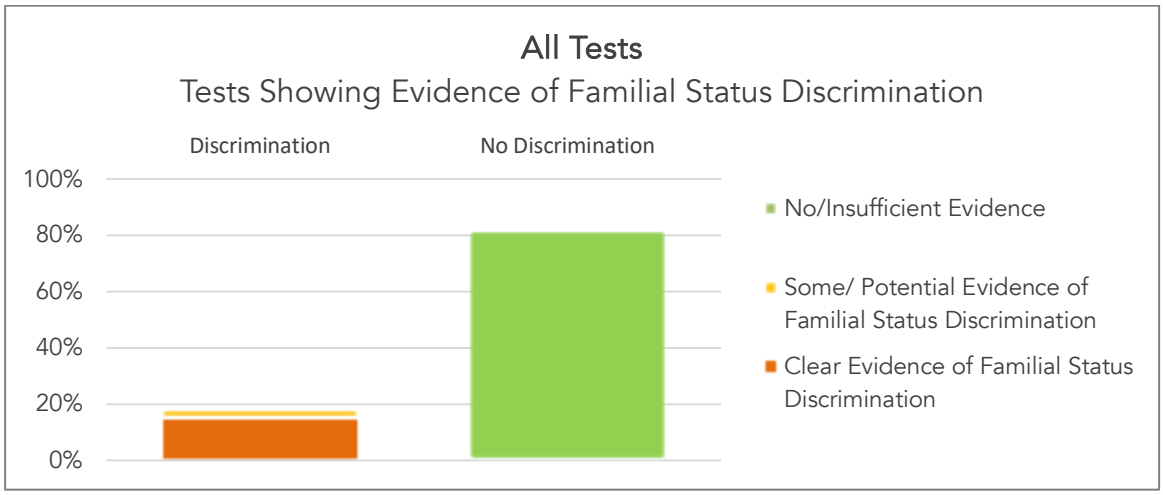
a. Familial Status and/or Source of Income Discrimination



Of the 60 tests conducted, 58.3% revealed at least some evidence of discrimination based on familial status and/or source of income and 10% revealed evidence of discrimination based on both familial status and source of income. 41.7% revealed no/insufficient evidence of discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Evidence of Familial Status AND Source of Income Discrimination	6	10.0%
Evidence of Familial Status OR Source of Income Discrimination	29	48.3%
Evidence of Familial Status and/or Source of Income Discrimination	**35**	**58.3%**
No/Insufficient Evidence of Discrimination	**25**	**41.7%**
Total	**60**	**100.0%**

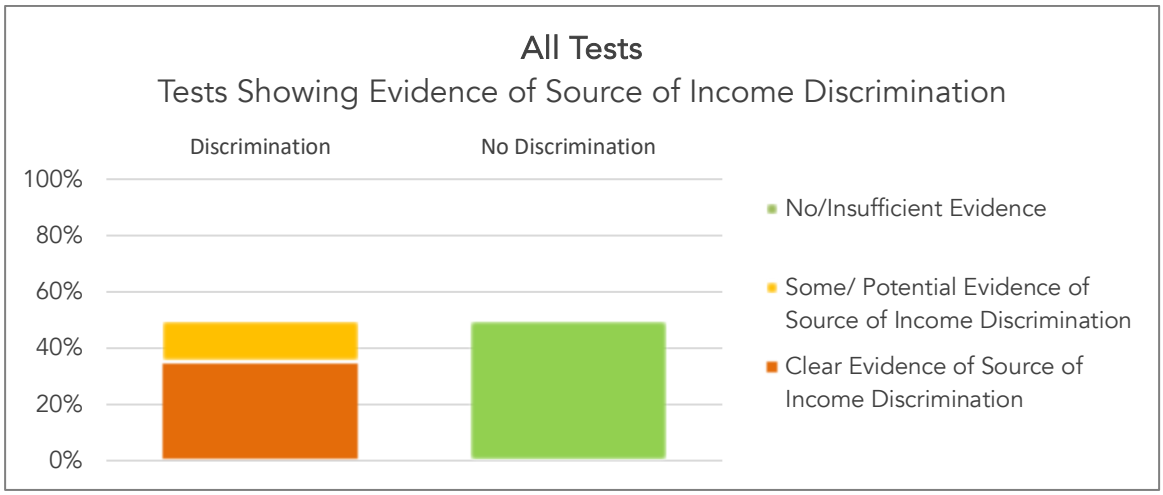
b. Familial Status Discrimination



Of the 60 tests conducted, 18.3% revealed evidence of familial status discrimination, with 15% showing clear evidence of discrimination and an additional 3.3% showing some or potential evidence of discrimination. 81.7% revealed no/insufficient evidence of familial status discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Familial Status Discrimination	9	15.0%
Some/ Potential Evidence of Familial Status Discrimination	2	3.3%
Total Familial Status Discrimination	**11**	**18.3%**
No/Insufficient Evidence of Familial Status Discrimination	**49**	**81.7%**
Total	**60**	**100.0%**

c. Source of Income Discrimination



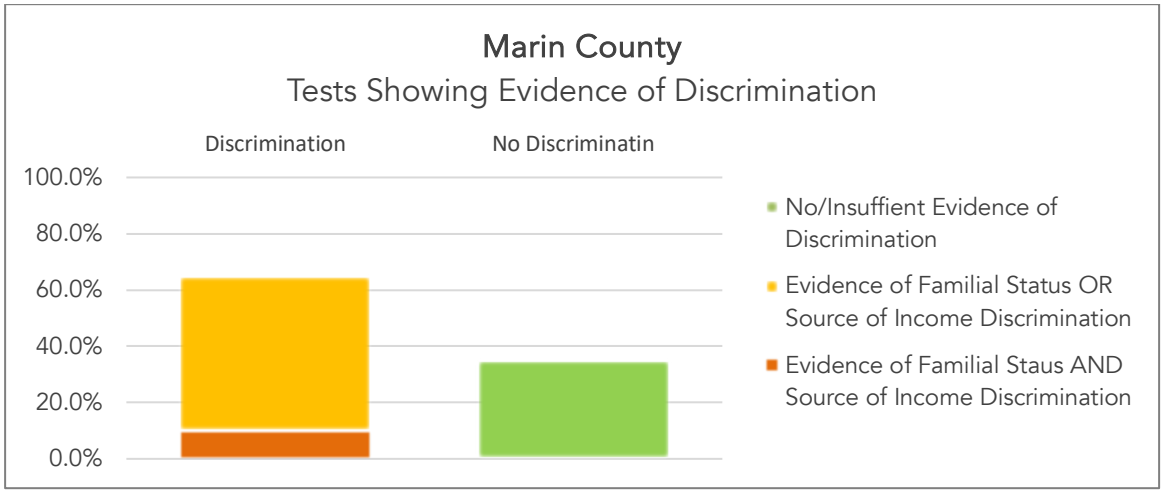
Of the 60 tests conducted, 50% revealed evidence of source of income discrimination, with 35% showing clear evidence of discrimination and an additional 15% showing some or potential evidence of discrimination. 50% revealed no/insufficient evidence of source of income discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Source of Income Discrimination	21	35.0%
Some/ Potential Evidence of Source of Income Discrimination	9	15.0%
Total Source of Income Discrimination	**30**	**50.0%**
No/Insufficient Evidence of Source of Income Discrimination	**30**	**50.0%**
Total	**60**	**100.0%**

B. RESULTS BY GEOGRAPHIC REGION

1. Marin County

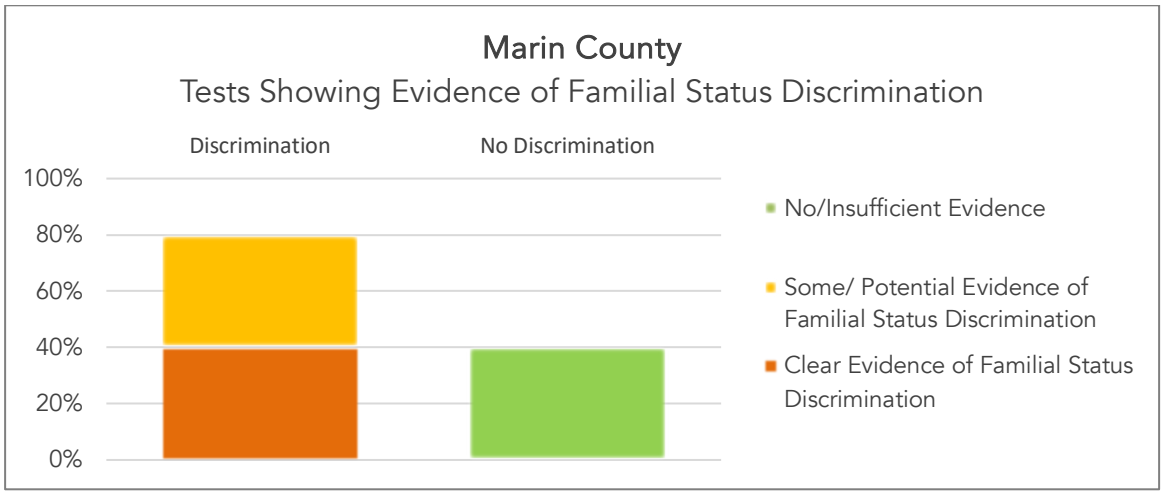
a. Familial Status and/or Source of Income Discrimination



Of the 20 tests conducted in Marin County, 65% revealed at least some evidence of discrimination based on familial status and/or source of income and 10% revealed evidence of discrimination based on both familial status and source of income. 35% revealed no/insufficient evidence of discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Evidence of Familial Status AND Source of Income Discrimination	2	10.0%
Evidence of Familial Status OR Source of Income Discrimination	11	55.0%
Evidence of Familial Status and/or Source of Income Discrimination	**13**	**65.0%**
No/Insufficient Evidence of Discrimination	**7**	**35.0%**
Total	**20**	**100.0%**

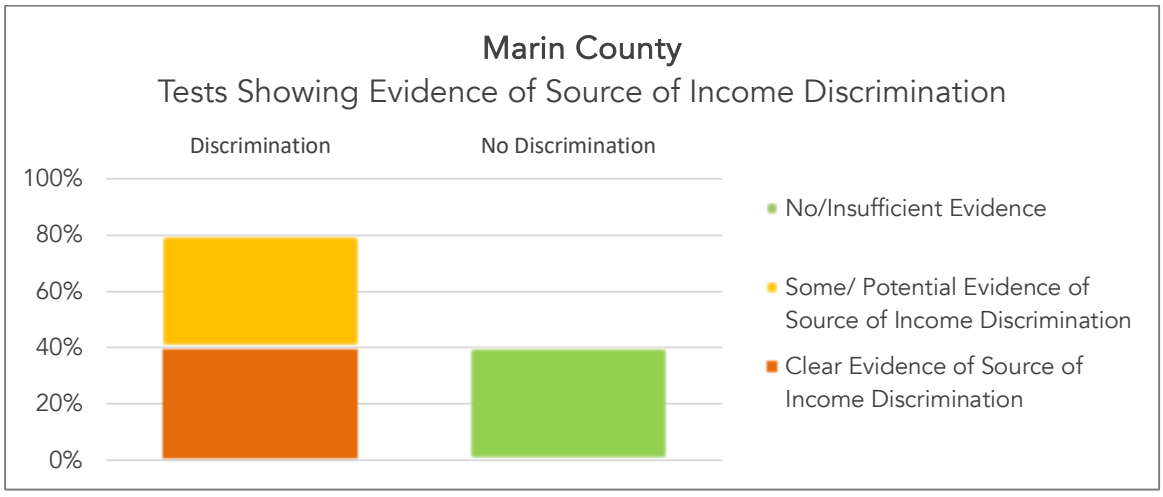
b. Familial Status Discrimination



Of the 20 tests conducted in Marin County, 25% revealed evidence of familial status discrimination, with 15% showing clear evidence of discrimination and an additional 10% showing some or potential evidence of discrimination. 75% revealed no/insufficient evidence of familial status discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Familial Status Discrimination	3	15.0%
Some/ Potential Evidence of Familial Status Discrimination	2	10.0%
Total Familial Status Discrimination	**5**	**25.0%**
No/Insufficient Evidence of Familial Status Discrimination	**15**	**75.0%**
Total	**20**	**100.0%**

c. Source of Income Discrimination

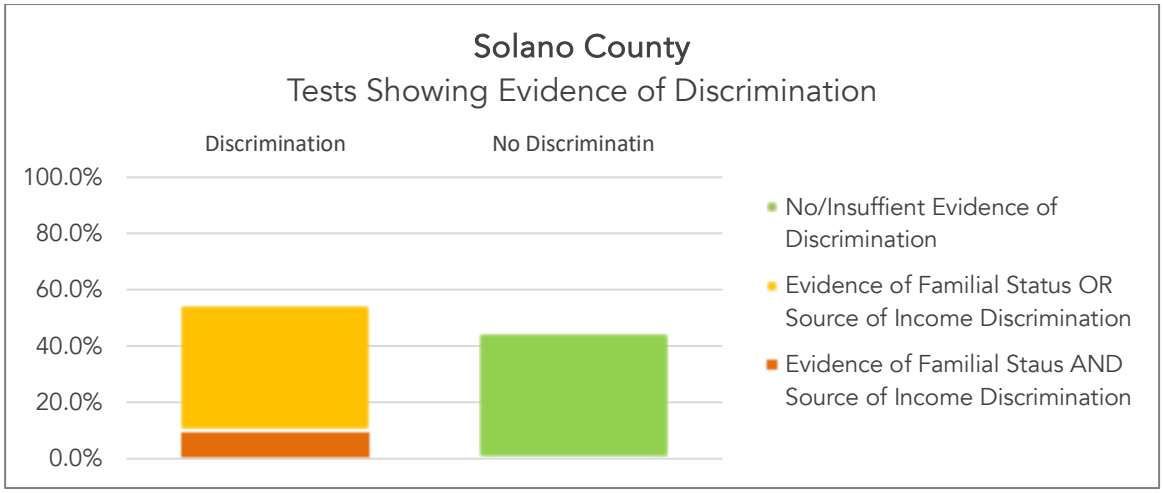


Of the 20 tests conducted in Marin County, 50% revealed evidence of source of income discrimination, with 45% showing clear evidence of discrimination and an additional 5% showing some or potential evidence of discrimination. 50% revealed no/insufficient evidence of source of income discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Source of Income Discrimination	9	45.0%
Some/ Potential Evidence of Source of Income Discrimination	1	5.0%
Total Source of Income Discrimination	**10**	**50.0%**
No/Insufficient Evidence of Source of Income Discrimination	**10**	**50.0%**
Total	**20**	**100.0%**

2. Solano County

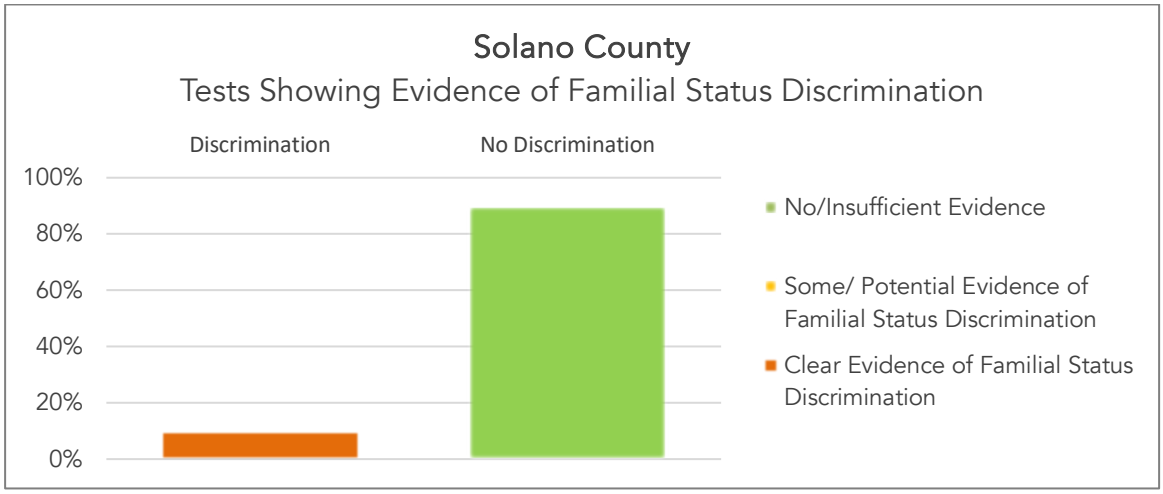
a. Familial Status and/or Source of Income Discrimination



Of the 20 tests conducted in Solano County, 55% revealed at least some evidence of discrimination based on familial status and/or source of income and 10% revealed evidence of discrimination based on both familial status and source of income. 45% revealed no/insufficient evidence of discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Evidence of Familial Status AND Source of Income Discrimination	2	10.0%
Evidence of Familial Status OR Source of Income Discrimination	9	45.0%
Evidence of Familial Status and/or Source of Income Discrimination	**11**	**55.0%**
No/Insufficient Evidence of Discrimination	**9**	**45.0%**
Total	**20**	**100.0%**

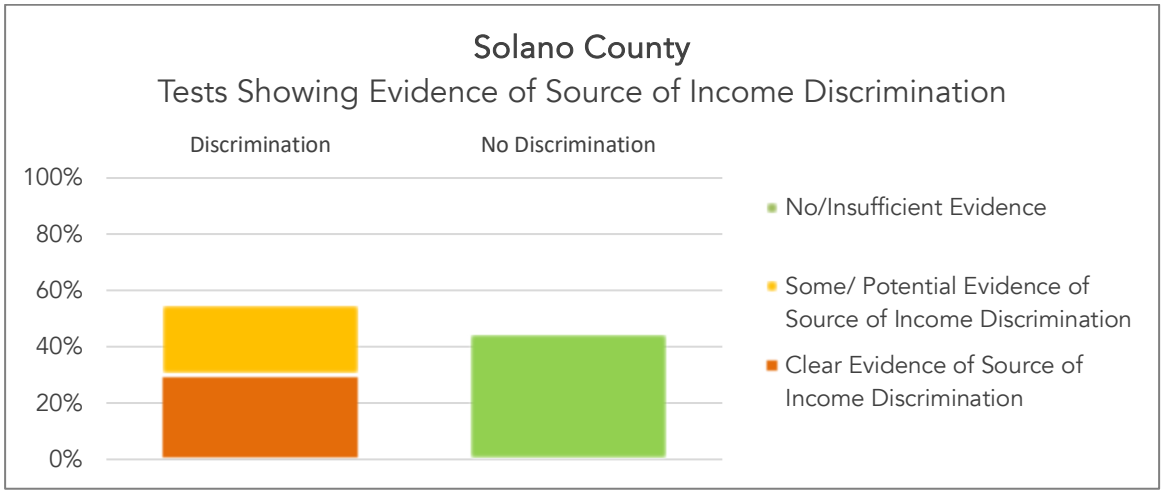
b. Familial Status Discrimination



Of the 20 tests conducted in Solano County, 10% revealed evidence of familial status discrimination, all of which were based on clear evidence of discrimination. 90% revealed no/insufficient evidence of familial status discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Familial Status Discrimination	2	10.0%
Some/ Potential Evidence of Familial Status Discrimination	0	0%
Total Familial Status Discrimination	**2**	**10.0%**
No/Insufficient Evidence of Familial Status Discrimination	**18**	**90.0%**
Total	**20**	**100.0%**

c. Source of Income Discrimination



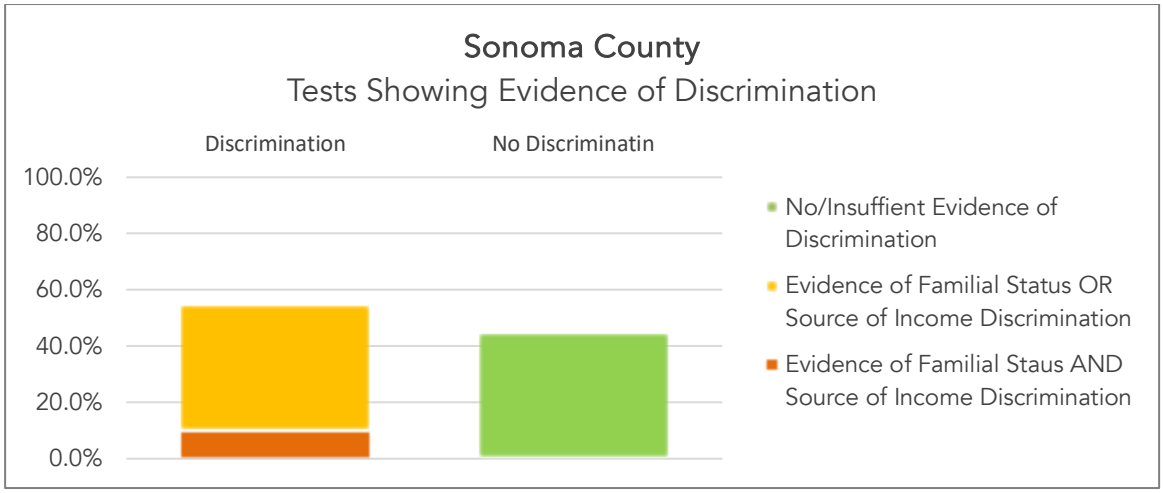
Of the 20 tests conducted in Solano County, 55% revealed evidence of source of income discrimination, with 30% showing clear evidence of discrimination and an additional 25% showing some or potential evidence of discrimination. 45% revealed no/insufficient evidence of source of

income discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Source of Income Discrimination	6	30.0%
Some/ Potential Evidence of Source of Income Discrimination	5	25.0%
Total Source of Income Discrimination	**11**	**55.0%**
No/Insufficient Evidence of Source of Income Discrimination	**9**	**45.0%**
Total	**20**	**100.0%**

3. Sonoma County

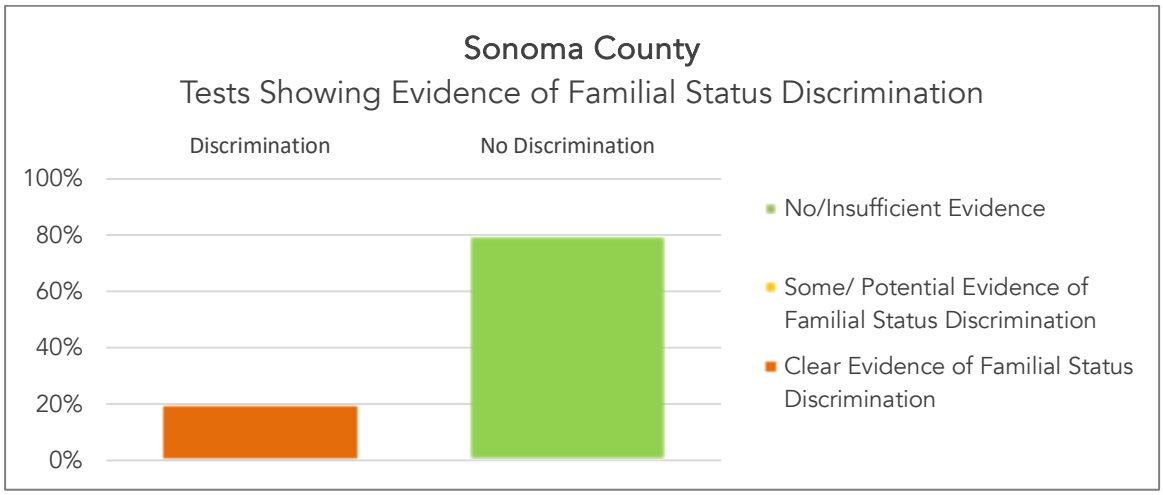
d. Familial Status and/or Source of Income Discrimination



Of the 20 tests conducted in Sonoma County, 55% revealed at least some evidence of discrimination based on familial status and/or source of income and 10% revealed evidence of discrimination based on both familial status and source of income. 45% revealed no/insufficient evidence of discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Evidence of Familial Status AND Source of Income Discrimination	2	10.0%
Evidence of Familial Status OR Source of Income Discrimination	9	45.0%
Evidence of Familial Status and/or Source of Income Discrimination	**11**	**55.0%**
No/Insufficient Evidence of Discrimination	**9**	**45.0%**
Total	**20**	**100.0%**

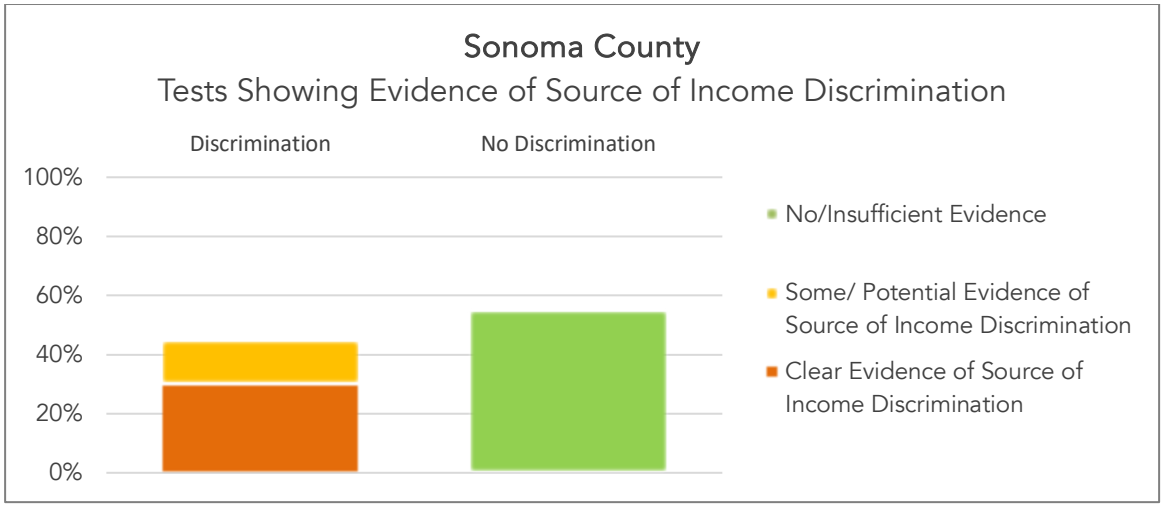
e. Familial Status Discrimination



Of the 20 tests conducted in Sonoma County, 20% revealed evidence of familial status discrimination, all of which were based on clear evidence of discrimination. 80% revealed no/insufficient evidence of familial status discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Familial Status Discrimination	4	20.0%
Some/ Potential Evidence of Familial Status Discrimination	0	0.0%
Total Familial Status Discrimination	**4**	**20.0%**
No/Insufficient Evidence of Familial Status Discrimination	**16**	**80.0%**
Total	**20**	**100.0%**

f. Source of Income Discrimination



Of the 20 tests conducted in Sonoma County, 45% revealed evidence of source of income discrimination, with 30% showing clear evidence of discrimination and an additional 15% showing some or potential evidence of discrimination. 55% revealed no/insufficient evidence of source of

income discrimination.

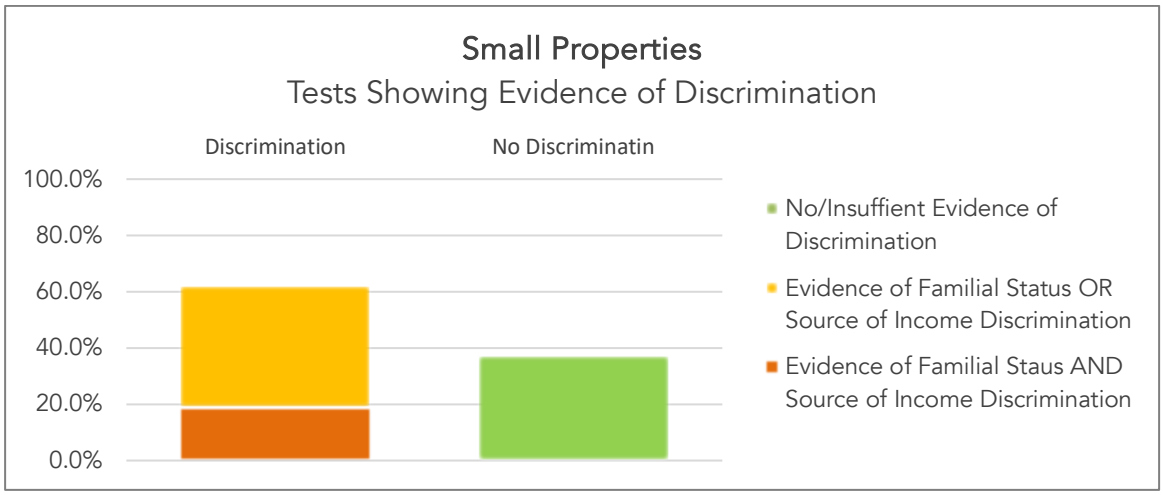
Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Source of Income Discrimination	6	30.0%
Some/ Potential Evidence of Source of Income Discrimination	3	15.0%
Total Source of Income Discrimination	**9**	**45.0%**
No/Insufficient Evidence of Source of Income Discrimination	**11**	**55.0%**
Total	**20**	**100.0%**

C. RESULTS BY PROPERTY SIZE

For the purpose of this audit, a "small property" refers to a property with 20 units or fewer, a "medium property" refers to a property with 21 to 100 units, and a "large property" is a property with more than 100 units. Of the 60 properties tested, 16 are small properties (comprising 99 total units), 29 are medium properties (comprising 1,387 total units), and 15 are large properties (comprising 3,453 total units).

1. Small Properties

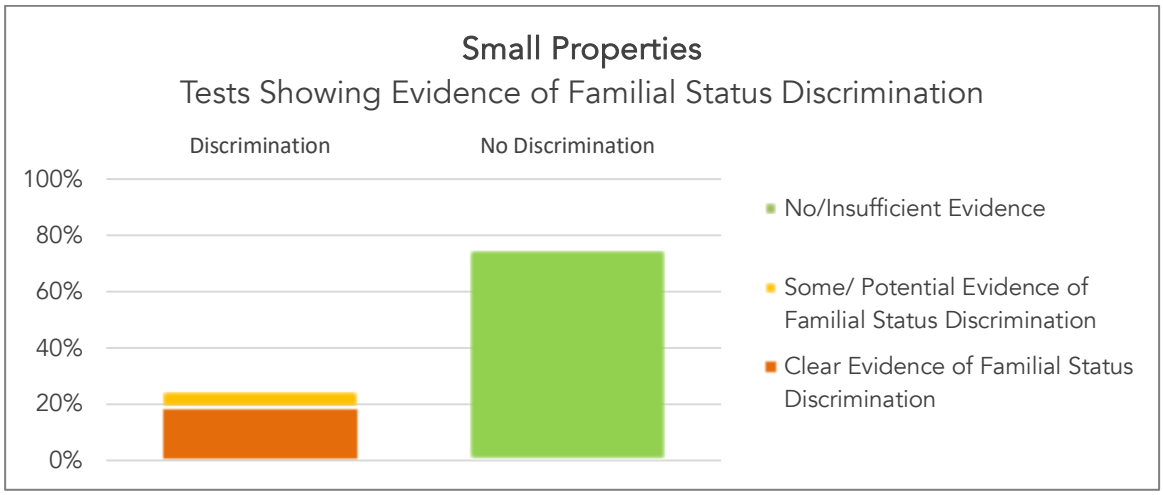
a. Familial Status and/or Source of Income Discrimination



Of the 16 tests conducted at small properties, 62.5% revealed at least some evidence of discrimination based on familial status and/or source of income and 18.8% revealed evidence of discrimination based on both familial status and source of income. Only 37.5% revealed no/insufficient evidence of discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Evidence of Familial Status AND Source of Income Discrimination	3	18.75%
Evidence of Familial Status OR Source of Income Discrimination	7	43.75%
Evidence of Familial Status and/or Source of Income Discrimination	**10**	**62.5%**
No/Insufficient Evidence of Discrimination	**6**	**37.5%**
Total	**16**	**100.0%**

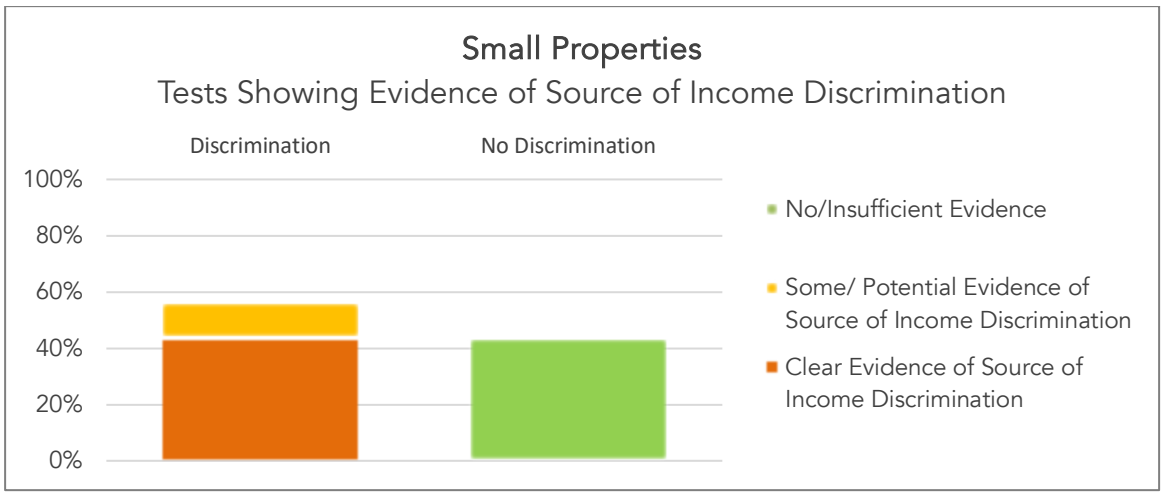
b. Familial Status Discrimination



Of the 16 tests conducted at small properties, 25% revealed evidence of familial status discrimination, with 18.75% showing clear evidence of discrimination and an additional 6.25% showing some or potential evidence of discrimination. 75% revealed no/insufficient evidence of familial status discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Familial Status Discrimination	3	18.75%
Some/ Potential Evidence of Familial Status Discrimination	1	6.25%
Total Familial Status Discrimination	**4**	**25.0%**
No/Insufficient Evidence of Familial Status Discrimination	**12**	**75.0%**
Total	**16**	**100.0%**

c. Source of Income Discrimination



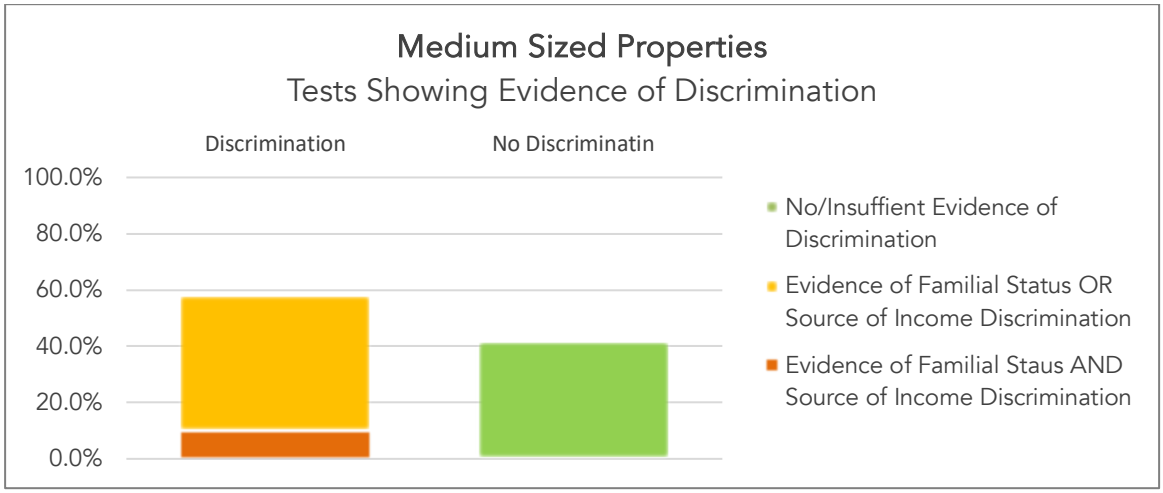
Of the 16 tests conducted at small properties, 56.25% revealed evidence of source of income

discrimination, with 43.75% showing clear evidence of discrimination and an additional 12.5% showing some or potential evidence of discrimination. 43.75% revealed no/insufficient evidence of source of income discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Source of Income Discrimination	7	43.75%
Some/ Potential Evidence of Source of Income Discrimination	2	12.5%
Total Source of Income Discrimination	**9**	**56.25%**
No/Insufficient Evidence of Source of Income Discrimination	**7**	**43.75%**
Total	**16**	**100.0%**

2. Medium Properties

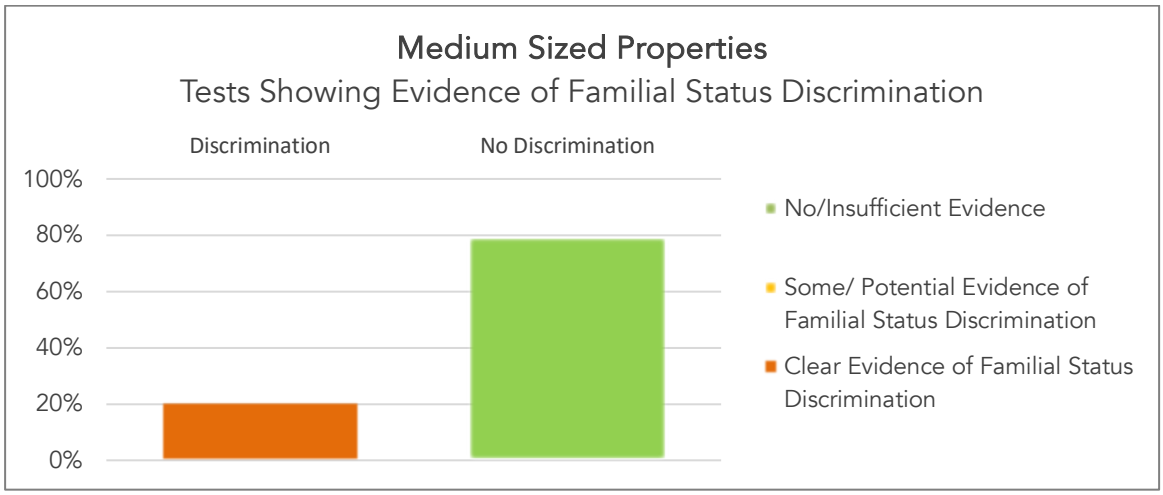
d. Familial Status and/or Source of Income Discrimination



Of the 29 tests conducted at medium sized properties, 58.6% revealed at least some evidence of discrimination based on familial status and/or source of income and 10.3% revealed evidence of discrimination based on both familial status and source of income. 41.3% revealed no/insufficient evidence of discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Evidence of Familial Status AND Source of Income Discrimination	3	10.3%
Evidence of Familial Status OR Source of Income Discrimination	14	48.3%
Evidence of Familial Status and/or Source of Income Discrimination	**17**	**58.6%**
No/Insufficient Evidence of Discrimination	**12**	**41.3%**
Total	**29**	**100.0%**

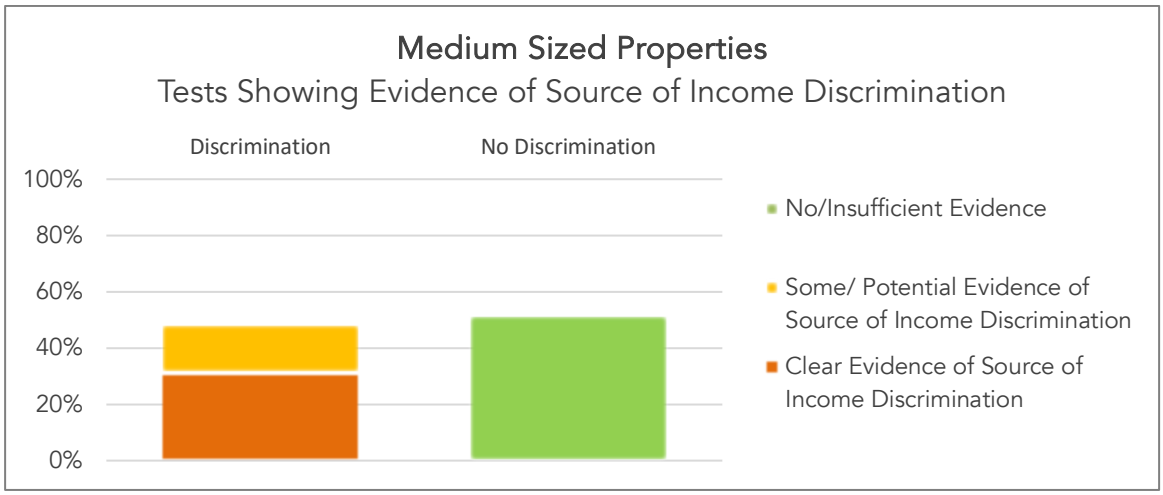
e. Familial Status Discrimination



Of the 29 tests conducted at medium sized properties, 20.7% revealed evidence of familial status discrimination, all of which were based on clear evidence of discrimination. 79.3% revealed no/insufficient evidence of familial status discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Familial Status Discrimination	6	20.7%
Some/ Potential Evidence of Familial Status Discrimination	0	0.0%
Total Familial Status Discrimination	**6**	**20.7%**
No/Insufficient Evidence of Familial Status Discrimination	**23**	**79.3%**
Total	**29**	**100.0%**

f. Source of Income Discrimination

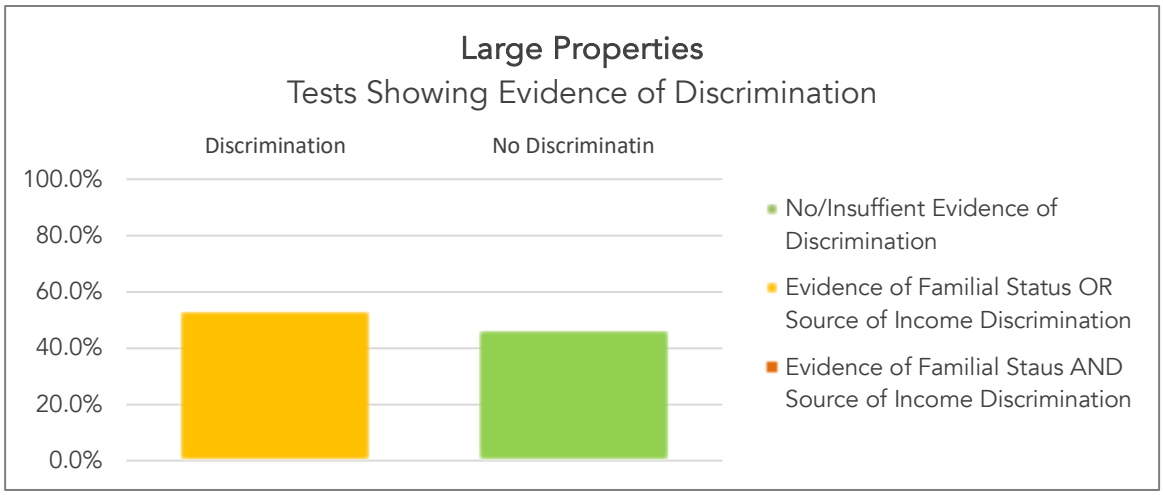


Of the 29 tests conducted at medium sized properties, 48.3% revealed evidence of source of income discrimination, with 31% showing clear evidence of discrimination and an additional 17.3% showing some or potential evidence of discrimination. 51.7% revealed no/insufficient evidence of source of income discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Source of Income Discrimination	9	31.0%
Some/ Potential Evidence of Source of Income Discrimination	5	17.3%
Total Source of Income Discrimination	**14**	**48.3%**
No/Insufficient Evidence of Source of Income Discrimination	**15**	**51.7%**
Total	**29**	**100.0%**

3. Large Properties

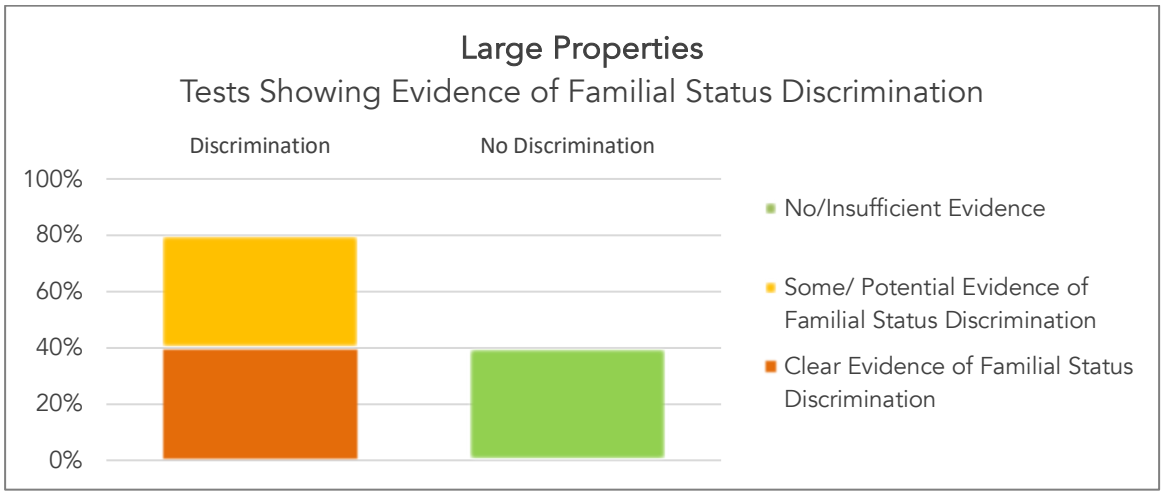
A. Familial Status and/or Source of Income Discrimination



Of the 15 tests conducted at large properties, 53.3% revealed at least some evidence of discrimination based on familial status and/or source of income. 46.7% revealed no/insufficient evidence of discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Evidence of Familial Status AND Source of Income Discrimination	0	0.0%
Evidence of Familial Status OR Source of Income Discrimination	8	53.3%
Evidence of Familial Status and/or Source of Income Discrimination	**8**	**53.3%**
No/Insufficient Evidence of Discrimination	**7**	**46.7%**
Total	**15**	**100.0%**

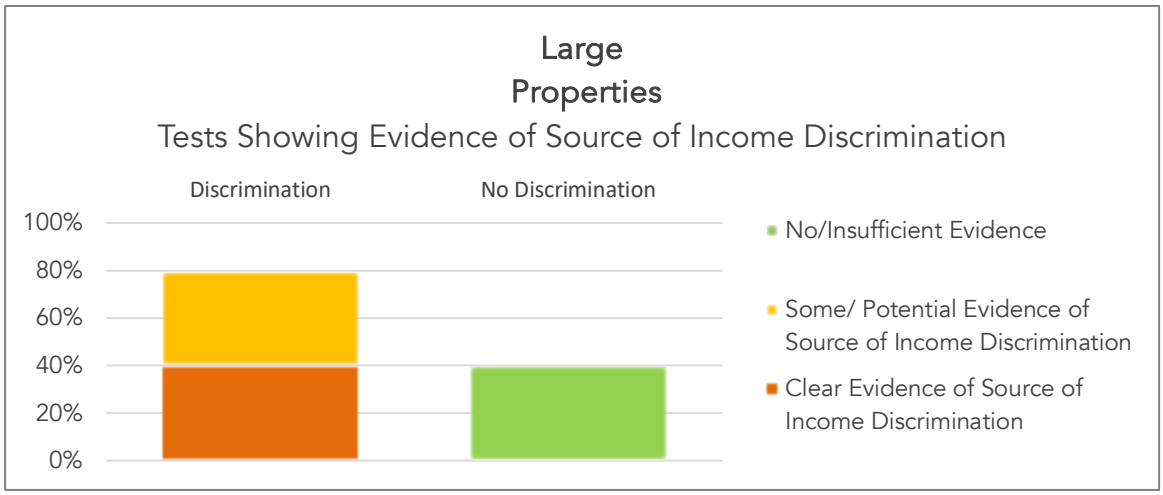
B. Familial Status Discrimination



Of the 15 tests conducted at large properties, 6.7% revealed evidence of familial status discrimination, all of which were based on some or potential evidence of discrimination. 93.3% revealed no/insufficient evidence of familial status discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Familial Status Discrimination	0	0.0%
Some/ Potential Evidence of Familial Status Discrimination	1	6.7%
Total Familial Status Discrimination	**1**	**6.7%**
No/Insufficient Evidence of Familial Status Discrimination	**14**	**93.3%**
Total	**15**	**100.0%**

C. Source of Income Discrimination



Of the 15 tests conducted at large properties, 46.7% revealed evidence of source of income discrimination, with 33.3% showing clear evidence of discrimination and an additional 13.3% showing some or potential evidence of discrimination. 53.3% revealed no/insufficient evidence of source of income discrimination.

Evidence of Discrimination	# of Tests	% of Tests
Clear Evidence of Source of Income Discrimination	5	33.3%
Some/ Potential Evidence of Source of Income Discrimination	2	13.3%
Total Source of Income Discrimination	**7**	**46.7%**
No/Insufficient Evidence of Source of Income Discrimination	**8**	**53.3%**
Total	**15**	**100.0%**

IV. CONCLUSIONS

Of the 60 tests conducted in the tri-county area, 58.3% showed at least some evidence of discrimination; with 18.3% revealing evidence of discrimination based on familial status discrimination and 50% revealing evidence discrimination based on source of income.

Housing providers in Marin County were revealed to be the most discriminatory of the three counties tested. 13 of the 20 housing providers tested in Marin discriminated on the basis of familial status and/or source of income, and 2 discriminated on the basis of both. While Marin tests revealed the most discrimination based on familial status (25%) and overall (65%), tests conducted in Solano County revealed the most evidence of discrimination based on source of income (55). Tests conducted in Solano County were the least discriminatory based on familial status (10%) and tests in Sonoma County were the least discriminatory based on source of income (45%).

Tests conducted at small properties showed the most evidence of discrimination (62.5%) while tests at large properties showed the least evidence of discrimination (53.3%). This disparity was most pronounced in tests revealing evidence of familial status discrimination. 25% of tests at small properties and 20.7% of tests at medium sized properties revealed evidence of familial status discrimination, while only 6.7% of tests conducted at large properties revealed evidence of familial status discrimination, indicating the need additional fair housing training for small landlords. While source of discrimination was also less evident at large properties (46.7%) than at medium sized (48.3%) and small properties (56.25%), the rate of discrimination was alarmingly high across all property sizes, including properties with large management companies where employees are more likely to receive regular fair housing training.

In tests that revealed evidence of familial status discrimination, most housing providers either freely discriminated by outright refusing to rent to families with children or had policies that disproportionately affected families such as overly restrictive occupancy rules. At properties where source of income discrimination was detected, the discrimination was less overt in that housing providers often told testers they were willing to accept vouchers but had income and credit requirements that not would not only have the effect of excluding voucher holders but that also explicitly violated FEHA. In addition, some housing providers discouraged voucher holders with children from renting the unit by stating that the property was too small for a family with children but made no such discouraging comments or were willing to make exceptions to occupancy rules for testers without vouchers, revealing evidence of both familial status and source of income discrimination.

V. TAKEAWAYS

With an incredibly tight housing market in the Bay Area, the results of this audit demonstrate that for voucher holders and families with children, familial status and source of income discrimination pose additional barriers to housing access. For a voucher holder who has likely waited years – sometimes decades – to receive their housing subsidy, the realities of navigating the housing search process can be devastating. This audit shows that while housing providers seem to be aware of the fact that they can no longer explicitly opt out of the Section 8 program or tell applicants that they do not accept rental subsidies, many have employed other more covert ways to exclude voucher holders, such as refusing to make exceptions to income and credit requirements for voucher holders, likely unaware that those methods also violate FEHA. Additionally, it is clear that if the voucher holder is also a member of another protected class, which they are statistically more likely to be, the likelihood of receiving inferior treatment or being excluded from the housing of their choice due to discrimination is much greater.

These findings point to the need for more enforcement actions as well as increased education and outreach to property owners and managers, particularly those of smaller properties and/or those in Marin County where instances of discrimination were the highest. The extremely high rate of discrimination at small properties and medium sized properties points to a clear need for increased education and outreach to "mom and pop" landlords. The lower rate of familial status discrimination at large properties suggests that larger players in the housing market seem to be aware of familial status protections, and, at least at the initial stages of the home seeking process, are complying with their obligations. This is an encouraging finding because large properties represent nearly 35 times the number of the units affected (3,453 total units at large properties versus 99 total units at small properties).

A. AUDIT LIMITATIONS AND LESSONS

1. 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 without apparent bias but discriminate later in the tenant selection process. This suggests the need to perform follow-up full-application tests in addition to the tests conducted to date, especially in those instances where initial tests suggest differential treatment. Completed application tests could yield evidence of housing providers turning down qualified applicants because of their source of income or familial status.

Even application tests would not detect the full extent of discrimination against in-place tenants, as opposed to applicants. Voucher holders and families with children report discrimination in the terms, conditions, privileges or services associated with their housing (e.g., a housing provider's failure to respond to voucher holder repair requests, or delayed responses, while other tenants' requests are responded to promptly). This audit cannot purport to examine evidence of that kind of discrimination.

VI. RECOMMENDATIONS

A. **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 governments and partner organizations to inform them of the results of the audit and what steps need to be taken to combat familial status and source of income discrimination. Social media posts and press releases should focus on informing the public about barriers faced by people with rental subsidies and families with children, even in the pre-application stage.

B. **Monitor sites** where there was an indication of differential treatment or a discriminatory policy and take further action when appropriate.

C. **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, particularly owners and managers of small and medium sized properties where discrimination was detected at higher rates. 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 staff receive fair housing information and training.

D. **Work with housing providers** to ensure that they are following fair housing laws and that they understand the laws. Send flyers to properties where testing showed evidence of differential treatment and/or discriminatory policies. 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.

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

F. **Spread the word to potential targets**. Work with other agencies serving members of protected classes, including voucher holders and families with children, to inform their clients of their fair housing rights and available services.