



**DENVER METRO  
FAIR HOUSING CENTER**

# **ACCESS DENIED:**

## **A Report on Rental Housing Discrimination in the Denver Metro Area**

February 2014



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## EXECUTIVE SUMMARY

In late 2013, the Denver Metro Fair Housing Center (DMFHC) conducted a housing discrimination audit of the rental market in the Denver metro area. In the field of fair housing, an “audit” is an assessment of the nature and extent of discrimination in a particular housing market. Audits typically rely on information collected through matched pair testing. In the Denver metro audit, tests were conducted to examine the treatment of families with children, African Americans, and Latinos compared to the treatment of couples without children and whites seeking rental housing. The audit indicates that, even after the celebration in 2013 of the 45<sup>th</sup> Anniversary of the federal Fair Housing Act, people of color and families with minor children still experience housing discrimination. Testing evidence shows that in the Denver metro area, African Americans can expect to encounter discrimination 67 percent of the time in their search for rental housing in predominately white areas, and Latinos can expect to encounter discrimination 91 percent of the time.

In 1988, the federal Fair Housing Act was amended to include protections for families with children, yet according to the audit results, families with children can expect to encounter discrimination in their housing search 73 percent of the time. While the rental audit was not designed as social science research with statistical modeling and analysis, its enforcement-based methodology provides great insight into the nature and extent of rental housing discrimination in the Denver metropolitan area.

It is no secret that the rental market is tight in the metro area. According to a report released by the Apartment Association of Metro Denver and the Colorado Division of Housing,<sup>1</sup> the rental vacancy rate for multi-family housing in metro Denver during the time of this rental audit was only 4.1 percent, while the average vacancy rate in the U.S. around the same time period was 8.3 percent.<sup>2</sup> The increased demand for rental housing is due to a variety of factors, including fewer homes for sale, the foreclosure crisis, tighter credit standards for mortgage lending, and a decline in new construction. These factors have forced more people into the rental market, causing rental prices to skyrocket and making housing even harder to find. When resources are so limited, the proactive prevention of discrimination must be a priority. A failure to act to prevent discrimination results in families with children and people of color being barred from free choice in the housing market.

Because most apartment seekers inquire at more than one location, African Americans, Latinos, and families with children will likely encounter discrimination multiple times in their search for rental housing. As a result, these persons will likely have to spend more time and money in their search to secure adequate housing. Furthermore, when people experience illegal housing discrimination, it is not only their right to live where they choose that is affected. Access to quality housing also provides access to quality education, employment opportunities, fresh food, shopping, recreation, public services and the opportunity to live in an integrated society.

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<sup>1</sup> Throupe, R. L. (2013) *Metro Denver Area Housing Vacancy and Rent Survey*. Retrieved from: <http://www.colorado.gov>.

<sup>2</sup> U.S. Census Bureau News: *Residential Vacancies and Homeownership in the Third Quarter 2013*. (November 5, 2013).

If people with children and people of color are denied access to the housing of their choice and for which they are otherwise qualified, they are consequently locked out of opportunities in every other sector where we as a nation would hope to make progress toward equality. Likewise, white families miss out on the opportunity to engage in the social and professional benefits of living in an integrated neighborhood.<sup>3</sup>

The audit reveals not only the extent of housing discrimination in the Denver metro area, but also how discriminatory practices and policies are manifested in the rental industry. Although blatant discriminatory comments from housing providers are rare, rental agents and managers frequently discourage African Americans, Latinos, and families with children from applying through more subtle actions and statements, while encouraging white housing seekers or those without children to apply. One of the most common types of differential treatment encountered in the audit involved housing providers misrepresenting the number of units actually available to people of color or individuals with children. These practices are prohibited by federal and Colorado fair housing laws.

According to the Colorado Analysis of Impediments to Fair Housing 2011-2015, 60 percent of respondents in a survey of affordable housing providers noted, “outreach and education about fair housing was inadequate.”<sup>4</sup> In a survey of the public, none of the respondents who felt they had been discriminated against reported it because they were not sure of their rights, did not know how to file a complaint, or were afraid of retaliation.

DMFHC’s purpose in reporting the results of this rental audit is to raise awareness of the work that must be done to combat discrimination in the region and state. Where testing reveals discriminatory treatment in violation of the fair housing laws, DMFHC will carry out further investigation and enforcement when appropriate. DMFHC is committed to leading these efforts but will only be successful with the support of the community.

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<sup>3</sup> The U.S. Supreme Court has upheld standing in fair housing cases for individuals who claim they are injured by losing the benefits of living in an integrated community, including the social, professional, economic, political, and aesthetic benefits of interracial associations. *Trafficante v. Metropolitan Life Ins.*, 409 U.S. 205 (1972); *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982).

<sup>4</sup> Colorado Department of Local Affairs, Colorado Department of Human Services. (2011-2015). *Colorado Analysis of Impediments to Fair Housing*. Retrieved from: <http://www.colorado.gov>.

## **ABOUT THE DENVER METRO FAIR HOUSING CENTER**

The Denver Metro Fair Housing Center (DMFHC) is a private non-profit organization dedicated to eliminating housing discrimination and promoting housing choice for all people through education, advocacy, and enforcement of the fair housing laws. The center was established in 2012 with the support of the National Fair Housing Alliance (NFHA) and funding provided by a U.S. Department of Housing and Urban Development (HUD) Fair Housing Initiatives Program grant. DMFHC is the only fair housing center in the state and serves six counties in the metro area: Adams, Arapahoe, Broomfield, Denver, Douglas, and Jefferson.

DMFHC is the voice of fair housing in metro Denver. DMFHC provides training seminars to teach home seekers their rights and help housing providers understand and meet their responsibilities under fair housing law. The fair housing center collaborates with other housing, legal, civil rights, and community organizations to advocate for strong local, state, and federal housing laws and policies, and works to ensure their effective implementation. DMFHC investigates claims of discrimination, conducts testing based on those claims, and represents complainants throughout the administrative complaint process with HUD and/or the Colorado Civil Rights Division. DMFHC also initiates investigations based on information from community organizations, government agencies or people with knowledge of rental, sales, lending or insurance markets.

DMFHC recognizes the importance of “home” as a component of the American dream and envisions a state and country free of housing discrimination where every individual, group, and community in metro Denver enjoys equal housing opportunity and access in a bias free and open housing market where integrated neighborhoods are the norm, and the private and public sector guarantees civil rights in an open and barrier free community.

## **FAIR HOUSING LAWS**

The Civil Rights Act of 1968 was passed on April 11, 1968, seven days after the assassination of Dr. Martin Luther King, Jr. Title VIII of that law is commonly referred to as the “Fair Housing Act.”<sup>5</sup> As originally enacted, the law prohibited discrimination on the basis of four protected classes: race, national origin, color, and religion. The Fair Housing Act was amended in 1974 to include sex (gender). In 1988, President Ronald Reagan signed into law a comprehensive overhaul of the 1968 act to include familial status and handicap (disability) as additional protected classes under the law, to provide HUD and the U.S. Department of Justice with expanded authority to enforce the law, and to remove the limit of \$1,000 in punitive damages. It is important to note that all people are protected by fair housing laws as all people are members of several protected class categories. The Fair Housing Act is intended to provide protection from adverse and differential treatment for those seeking to rent or buy a home, secure a mortgage loan or mortgage insurance, or purchase homeowners or renters insurance.

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<sup>5</sup> 42 U.S.C. § 3601 *et seq.*

The law details a number of actions and practices that are illegal when based on a protected characteristic, such as:

- refusing to sell or rent a dwelling
- discriminating in terms, conditions or privileges of sale or rental
- advertising in a way that indicates any limitation or preference that excludes persons because of a protected characteristic
- misrepresenting the availability of housing
- steering or directing prospective renters or buyers to certain neighborhoods
- refusing to make reasonable accommodations or modifications for people with disabilities
- threatening or interfering with any person in the exercise or enjoyment of a fair housing right
- threatening or interfering with any person or organization assisting someone in the exercise or enjoyment of a fair housing right

The State of Colorado adopted its own fair housing law in 1959 and was one of the first states in the nation to pass laws prohibiting discrimination on the basis of race, creed, color, national origin, and ancestry. Presently, Colorado's fair housing laws are substantially equivalent to the federal Fair Housing Act but also include the following protected classes: marital status, sexual orientation, ancestry, and creed.

## **IMPORTANCE OF TESTING**

In 2013 it is rare to find housing providers who explicitly state a preference or limitation because of one's protected characteristic(s); yet, discrimination still occurs frequently within the housing market. Fair housing advocates call this trend "discrimination with a smile and a handshake," to indicate that courtesy may simply be a smoke screen covering up the truth about unit availability or price. Because housing discrimination has become more subtle, testing is often the most effective investigative tool to determine whether or not housing providers are employing discriminatory policies or practices.

Testing has long been considered a vital method of uncovering discrimination in housing practices and is also used by the U.S. Department of Justice. Some companies engage in "self-testing" to measure if their agents or employees are following the law. In *Havens Realty Corp. v. Coleman*, the U.S. Supreme Court upheld the use of testers in housing discrimination cases as an important and legitimate means of enforcing fair housing laws.<sup>6</sup> In *Richards v. Howard*, the Seventh Circuit Court of Appeals noted that testing evidence benefited unbiased landlords by quickly dispelling false claims of discrimination and served as a major resource in society's continuing struggle to eliminate racial discrimination.<sup>7</sup>

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<sup>6</sup> 455 U.S. 363 (1982).

<sup>7</sup> 712 F.2d 319, 321 (7th Cir. 1983).

Testing is a controlled simulation of housing searches conducted by individuals, known as testers, who pose as renters or purchasers of housing, residential loans, or homeowners/renters insurance. Individual testers are matched to hold all relevant qualification variables constant, such as income, employment and credit history, size of family, assets, etc. The only significant difference between two matched-pair testers is a particular protected characteristic, such as race, national origin, or presence of children in the household. Objective evidence from each tester is collected, and the tester's experiences are compared and analyzed to determine whether discrimination has occurred.

An added advantage of testing as a method of uncovering discrimination is that although housing providers may not make overt discriminatory statements, they may express preferences through the use of coded language. For instance, in this audit, a white female tester was told she would fit in well at the complex but that the agent would not say anything more specific "because of fair housing." A white male tester was told that the manager keeps out "thugs, riffraff, and hoodlums," and another white male was told that the manager "doesn't tolerate shadiness and ensures that tenants are good people."

## **TESTING METHODOLOGY**

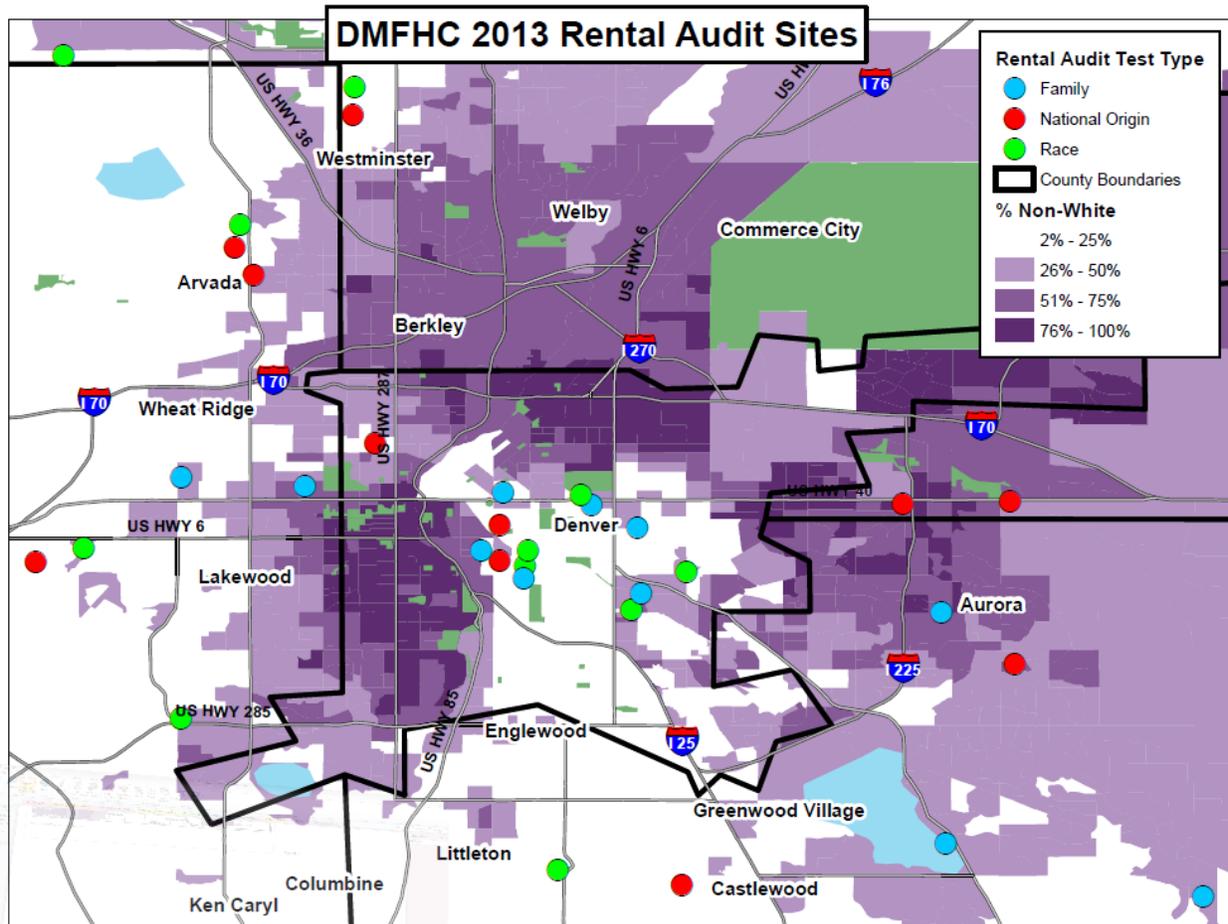
### ***Protected Classes***

The three protected classes of race, familial status, and national origin were chosen as the focus of this rental audit. Race was selected because of historical patterns of segregation in the United States. According to Colorado's 2011-2015 Analysis of Impediments to Fair Housing, complaints on the basis of race and ethnicity were the second and third most common fair housing complaints received in Colorado from 2006 to 2010.<sup>3</sup> Moreover, even though only 4 percent of Coloradans are African American, complaints on the basis of race made up 18 percent of all housing discrimination complaints in Colorado. National origin was chosen because of the high proportion of complaints filed in this category as noted above, and because Latinos/Hispanics make up the state's largest minority group. Familial status discrimination was selected after DMFHC became aware of complaints from metro area families who have not been allowed to live in certain buildings, sections, or particular floors of apartment complexes. Furthermore, national studies, including the 2013 Fair Housing Trends Report released by the National Fair Housing Alliance (NFHA), have shown that 11.5 percent of discrimination complaints nationwide are made on the basis of familial status.<sup>8</sup> In contrast, the most recent Colorado Analysis of Impediments listed familial status complaints as only 6 percent of all complaints.

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<sup>8</sup> National Fair Housing Alliance. *2013 Fair Housing Trends Report: Modernizing the Fair Housing Act for the 21<sup>st</sup> Century*.

## Selection of Sites



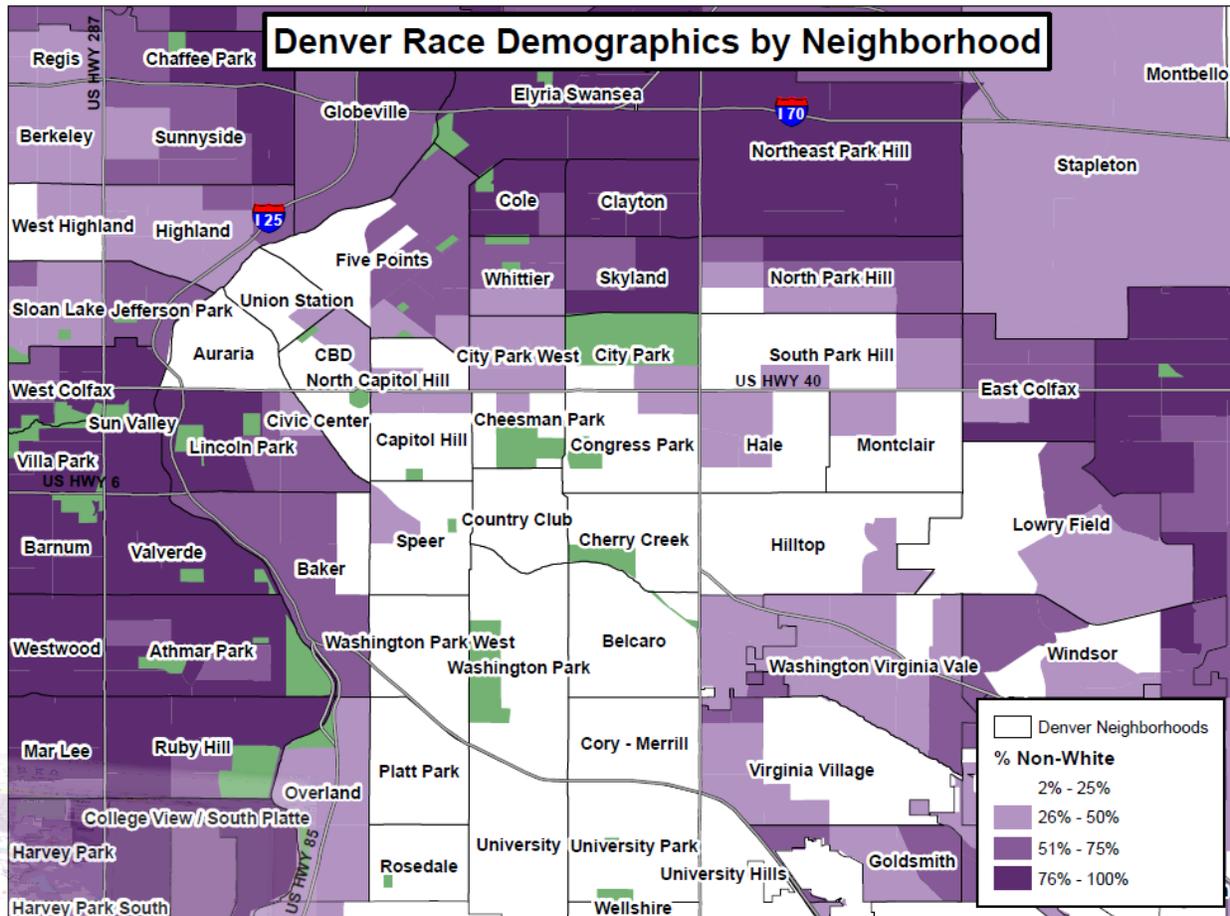
Source: 2010 Census Block Group Data & Open Colorado Data Catalogue

**Figure 1**

According to the latest census, Colorado’s population is approximately 70 percent white, 4 percent Black, and 21 percent Hispanic. Although the Denver metro area has the highest percentage of people of color compared to the rest of the state, Census data show that metro Denver neighborhoods remain racially and ethnically segregated. As shown in *Figure 2*, residents of the city of Denver are divided along stark racial and ethnic lines, even though Denver is often regarded as being very diverse. DMFHC chose to focus testing activities in majority white neighborhoods to determine whether discrimination in the housing market currently contributes to the racial and ethnic division of metro neighborhoods.

Target neighborhoods were selected using 2010 U.S. Census data. For familial status testing, apartment buildings with available two and three bedroom units were selected, with a focus on buildings within neighborhoods that have a low percentage of family households compared to the state average. For race and national origin tests, neighborhoods that were 75 percent or more white were identified. Apartment complexes within those target neighborhoods were

then randomly selected for testing. Using this method of target selection, it was possible to test throughout DMFHC’s six county service area.



Source: 2010 Census Block Group Data & Open Colorado Data Catalogue  
**Figure 2**

***Selection and Training of Testers***

All testers completed a standardized training consisting of lecture and field experience. Testers are taught to be objective fact finders and to record their observations without judgment or inference. Testers were assigned to conduct tests without knowing who they were paired with, what they were testing for, or how the treatment or information they received compared to that of their counterpart.

***Test Design***

DMFHC’s rental audit is based on 68 tests, or 34 matched pair tests, conducted on site with 28 different housing providers. The 34 paired tests were divided as follows:

- 11 pairs of white and Latino testers for national origin testing
- 12 pairs of white and African American testers for race testing

- 11 pairs of testers with and without children in the home for familial status testing

For purposes of this audit, a “protected” tester was African American, Latino or an individual with a family that included minor children. A “control” tester was white or an individual without children. Each matched pair consisted of two testers who had similar income, employment, and rental history, with the protected tester always slightly more qualified for the rental housing than the control tester. The only significant difference between the two testers was the protected class variable, and tests were designed to make any differences in treatment attributable to the protected characteristic. The tests were initial inquiries into housing availability, and testers did not complete rental applications. When prospective renters inquire for housing and complete rental applications, rates of discrimination may be higher.

## **FINDINGS: TEST REVIEW AND ANALYSIS**

Tests were compared and analyzed to identify differences in a number of categories, such as number of units shown, rent and deposit amounts, and specials offered. Differences that could not be explained by other factors were noted as deficiencies in equitable treatment. A description of the most frequent types of differential treatment found for each protected category follows, along with a few illustrative examples from actual tests. Graphs displaying the incidence rate for each type of differential treatment are also included for all three protected classes.

### ***Rate of Discrimination: Race***

In 8 out of 12 tests, or **67 PERCENT OF THE TIME, WHITE TESTERS WERE TREATED MORE FAVORABLY THAN AFRICAN AMERICAN TESTERS** by the housing provider. In six of those eight tests, the African American testers experienced differential treatment in two or more categories.

Less information given to African American testers – 42 percent of all African American testers were provided less information about the unit or complex than their white counterparts. This included information about amenities, neighborhood perks, parking options, the application process, services offered, available floor plans and floor levels, views, storage, utilities, etc.

#### *Examples:*

- 👤 An African American tester received substantially less information about the unit and complex. The African American tester was never told that she could hold the unit by putting down a deposit, while the white tester was *asked* by the same agent if she would like to put down the deposit to hold a unit that day. Additionally, the white tester

was told by this agent that she thought she would fit in well at the building but that the agent “could not say more because of fair housing.”<sup>9</sup>

- 👤 A white tester was offered a tour of the unit along with an invitation to return with her boyfriend for a copy of the key so they could tour on their own. The African American tester, who saw the same agent, was not offered a tour even after asking to view a unit, and was instead told to return when her husband would be available to tour with her.
- 👤 A white tester was shown the pool and laundry facilities, told about upcoming renovations which would include a new clubhouse and fitness center, and informed of the process for applying online to hold a unit. The African American tester was not shown the pool or laundry or given information about current or upcoming amenities nor was she told about the online application process.

Higher rental price for African American testers – 25 percent of African American testers were quoted higher rental prices than whites for the *same apartment* when visiting on the *same day*, or were only told about apartments available at a higher price point while white testers were given additional options at a lower price for the same size apartment.

*Examples:*

- 👤 A white tester received information on one bedroom units available from \$871 to \$925, while the African American tester received a higher range, from \$871 to \$1104.
- 👤 An African American tester was provided with options for two bedroom apartments with the lowest price at \$1010, while the lowest price offered to the white tester for two bedroom apartments was \$920.

Fewer units available to African American testers – 17 percent of white testers were told about more available units than their African American counterparts, or were given specific information regarding how many and which apartments were available while African American testers only received vague information.

*Examples:*

- 👤 An African American tester was told that the only unit available would not be available for another two months and that there were not any units for her to see because they were all occupied. The white tester was told by the same agent that there might be something at the end of the month as well as in two months, and that she could view a unit by making an appointment.
- 👤 A white tester was provided with three unit options in her price range on or before her move-in date. The African American tester was provided with only two options which

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<sup>9</sup> Many tests in this audit involved testers who each met with the same agent at the housing complex. It is important to note that all agents within a given housing complex should have access to the same information about unit availability, amenities, and pricing. Agents should provide the same level of service and information to all prospective renters. Thus, differential treatment can occur even when testers or prospective renters meet with different rental agents.

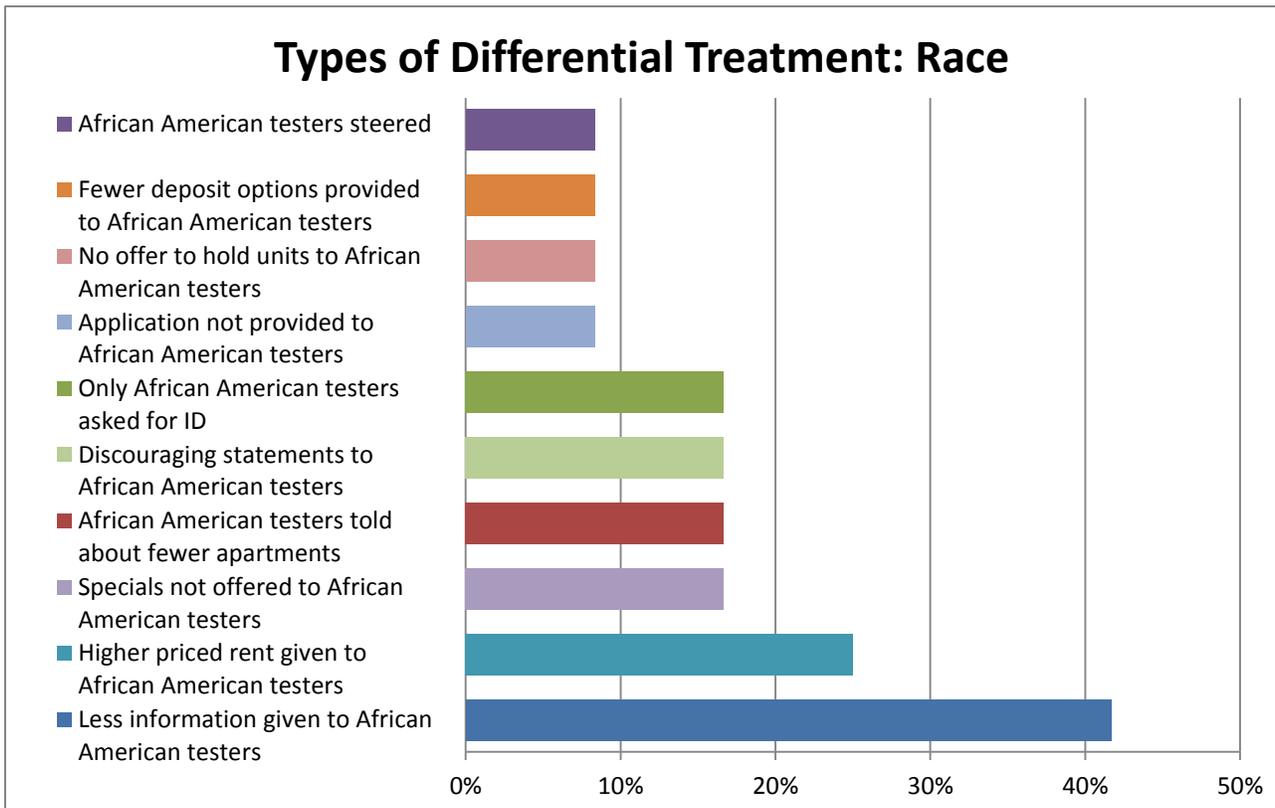
would be available *ten days after* her desired move-in date, which was the same as the move-in date provided by the white tester.<sup>10</sup>

Only African American testers asked for ID – In 17 percent of tests the white tester was not asked to show ID, but the African American tester was required to provide an ID before being taken on a tour of the unit and complex.

Specials not offered to African American testers – In 17 percent of race tests, only the white tester was offered a special or told about discounts.

*Example:*

- 🌐 A white tester was told about a weekend special where she could have her administrative fee waived if she signed a lease by Monday. The African American tester saw the same agent on the same day, but was not offered any specials or incentives.



<sup>10</sup> Rental agents may provide fewer units to a prospective African American renter than to a prospective white renter so that it will be easier later to tell the prospective African American renter that the units have been rented when in fact they have not.

### ***Rate of Discrimination: Familial Status***

In 8 out of 11 tests, or **73 PERCENT OF THE TIME, TESTERS WITHOUT CHILDREN IN THE HOME WERE TREATED MORE FAVORABLY THAN THOSE WITH CHILDREN**. In two of those eight tests, the testers with children experienced differential treatment in two or more categories. In nine out of eleven tests, both testers were white. The remaining two tests involved a matched pair of Latina testers and a matched pair of African American testers.

Discouraging statements to testers with children: 27 percent of familial status tests showed a difference in the agent's efforts to market apartments to testers. In these tests, the agent encouraged the tester without children to apply but did not similarly encourage the tester with children, and/or the agent discouraged the tester with children from applying through statements or actions.

#### *Examples:*

- 🔍 When speaking with a tester who had children, the agent emphasized various safety hazards at the complex, including the speed of cars in the parking lot, making it seem as if it may not be safe for children to live there. The agent also warned the tester that quiet hours were enforced at the complex. The same agent showed a second-floor unit to the tester without children and mentioned that she needed tenants without children in the unit so as not to disturb the tenant below. The agent did not show this unit to the tester with children.
- 🔍 An agent commenting on the neighborhood where the tester without children said she currently lives, said, "You don't want to live there, there's a lot of families with children there and not much nightlife going on."

Testers with children steered: In 18 percent of familial status tests, testers with children were directed toward or only told about available apartments in certain sections of the complex, such as first floor units or units in specific buildings.

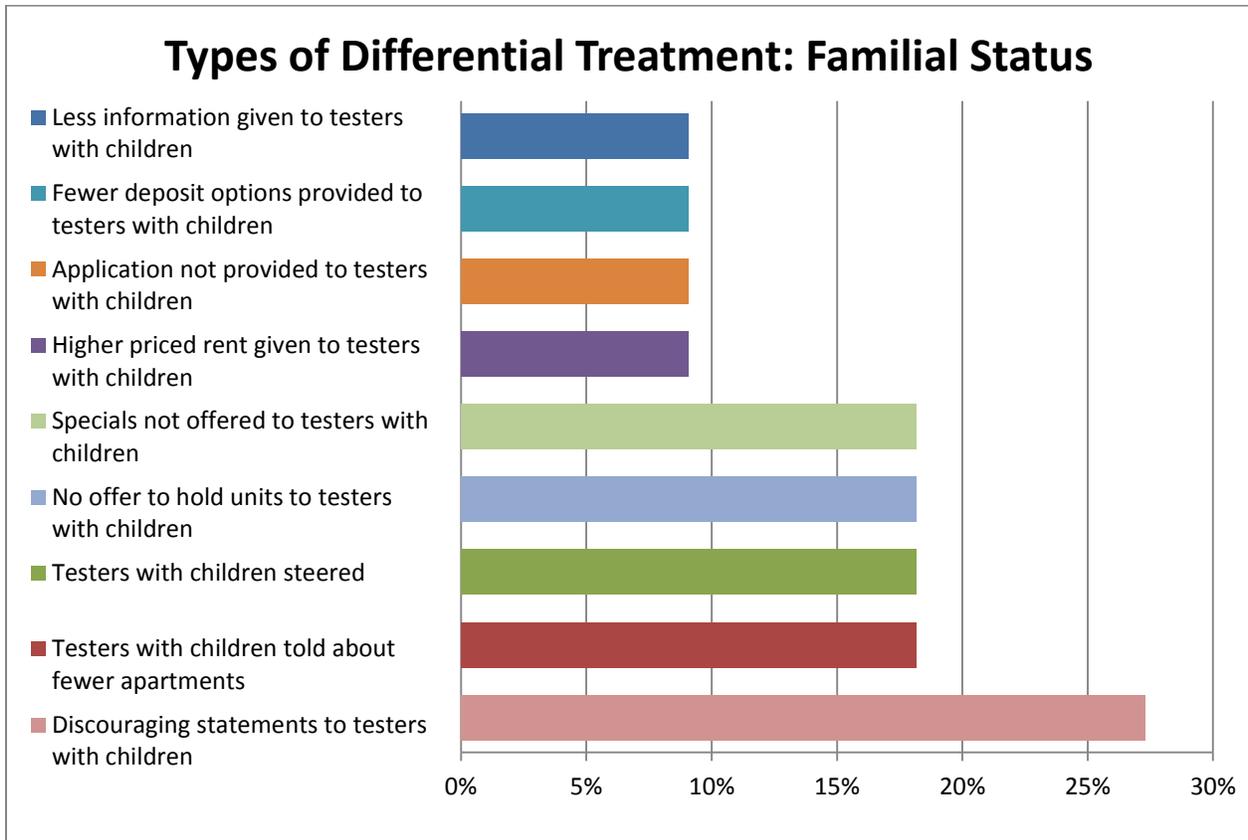
#### *Examples:*

- 🔍 After asking whether testers had children, an agent showed a tester without children three units but showed only two units to the tester with children. This agent told the tester without children that she would not rent one of her units to people with kids, explaining that she tries to keep all of the families with children in the back building.
- 🔍 An agent told the tester with children that "people with small children usually prefer apartments on the first floor."

No offer to hold units for testers with children: In 18 percent of familial status tests, agents only offered to hold units or provided information about the process to hold a unit to testers without children.

*Examples:*

- 👤 An agent offered to drive anywhere to pick up the tester without children’s application and deposit, which would hold the unit for two weeks. The agent did not offer the same level of service or information about how to hold a unit to the tester with children.
- 👤 An agent told a tester without children that the corner apartment he viewed would be held for him for two days and the price quoted would be locked in. The tester with children was not offered the two day hold or the price guarantee.



***Rate of Discrimination: National Origin***

In 10 out of 11 tests, or **91 PERCENT OF THE TIME, WHITE TESTERS WERE TREATED MORE FAVORABLY THAN LATINO TESTERS** by the housing provider. In five of those ten tests, the Latino testers experienced differential treatment in two or more categories.

Less information given to Latino testers – The white tester was provided with more information about amenities and apartment features in 54 percent of national origin tests. This included information about amenities, neighborhood perks, parking options, the application process, services offered, available floor plans and floor levels, views, storage, utilities, etc.

*Examples:*

- 👤 A Latino tester was not shown any amenities or told about upcoming renovations and additional services provided by the complex, while the white tester received all of this information as a major selling point for the apartment.
- 👤 An agent postponed a Latino tester's appointment and then did not offer to take him to view the apartment or the complex. The white tester was taken on a tour of the building and unit by the same agent, and subsequently received more information about apartment features and complex amenities than the Latino tester.
- 👤 The same agent showed an apartment to the white tester and the Latina tester, and in both tours mentioned that her company manages additional properties. The agent told the white tester this while volunteering that because they managed so many properties she was sure she could find something the tester liked. However, when the Latina tester asked about anything else available the agent simply said that the unit they were viewing was the only one available.

Fewer units available to Latino testers – White testers were told about more available apartments in 36 percent of national origin tests.

*Examples:*

- 👤 A white tester was told about seven units available while the Latino tester was told there "isn't much available" and was informed about only two available units within the same time frame. The white tester also received three different prices for units, two of which were less expensive than the only option given to the Latino tester.
- 👤 A Latino tester was told about two available units while the white tester was told there would be four units available for the same time frame.
- 👤 A white tester was told about two units that would become available and one she could view soon. When the Latina tester saw the same agent, she was told about floor plans offered at the complex, but was not told whether or when units might be available or that she could come back soon for a tour.

Specials not offered to Latino testers – In 27 percent of national origin tests, the white tester was told about a special or discount but the Latino tester was not.

*Examples:*

- 👤 In two tests, agents engaged the white tester in conversation by asking questions about the tester's place of employment, whether the tester was a student, or if the tester was married in order to offer associated discounts. When speaking with the Latino tester, the same agents did not ask these questions and did not provide information about discounts offered by the housing provider.
- 👤 An agent told a Latina tester about a current move-in special for two weeks free rent. When speaking with the white tester, the same agent offered free rent for one month.

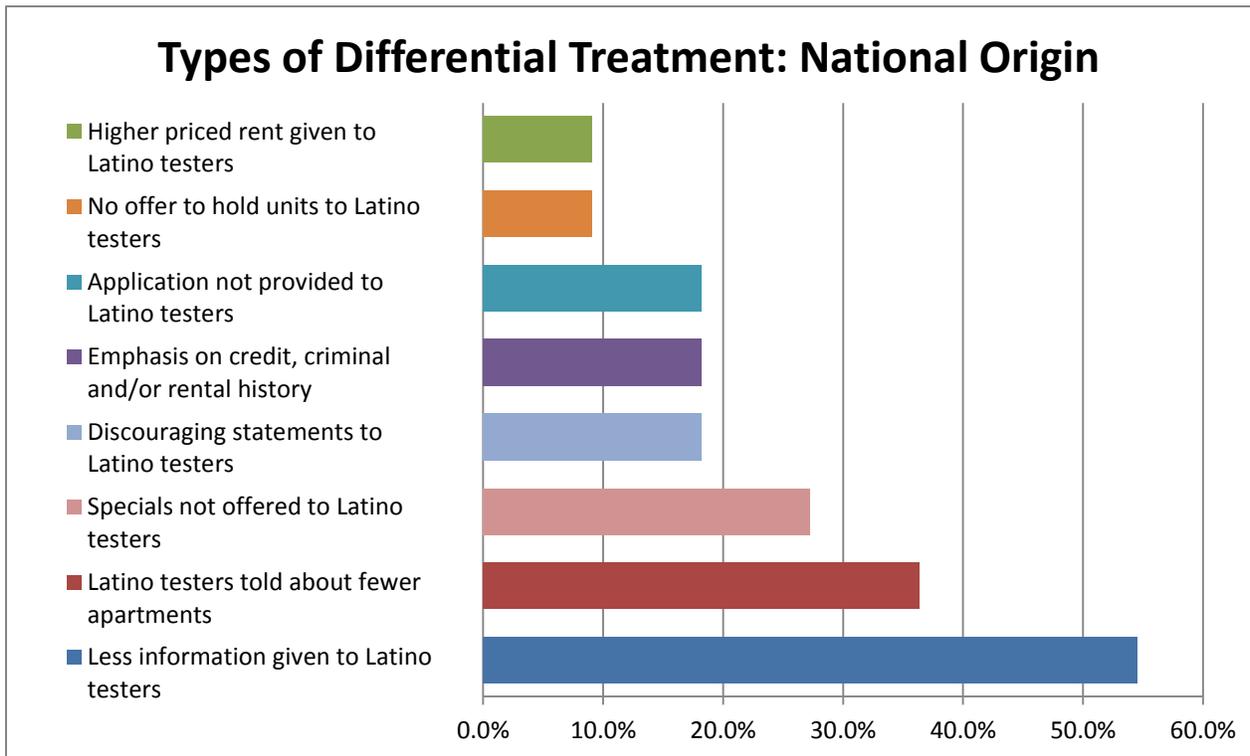
Application not offered to Latino testers / Background check emphasized – In 18 percent of tests, the white tester was offered an application but the Latino tester was not. In another 18

percent of tests, background checks and/or credit checks were not mentioned to the white tester, while this requirement was emphasized by the housing provider when speaking with the Latino tester.

Discouraging statements to Latino testers- In 18 percent of national origin tests, either the Latino testers were discouraged from applying, or the white testers were encouraged to apply through statements made or actions taken by providers not already accounted for in other categories.

*Example:*

- 👤 A white tester was told that the model unit was not being shown that day because it was being renovated and was full of boxes, so instead he was shown a move-in ready vacant apartment. Later the same day, the Latino tester was shown the model unit despite the agent’s admission that it looked unappealing due to the remodel.



## **RECOMMENDATIONS**

Based on the level of noncompliance with fair housing laws uncovered in this audit, the Denver Metro Fair Housing Center makes the following recommendations to increase equal opportunity in housing choice and decrease housing discrimination and segregation. The DMFHC is available to assist as needed.

### ***Government***

- Denver metro public officials should pledge to enforce fair housing laws and publicly condemn housing discrimination. Officials should stand with community groups, civil rights organizations and social service organizations to promote fair housing and eliminate barriers to housing choice.
- In order to affirmatively further fair housing, Denver metro cities and counties must play an active role and take necessary steps to assess fair housing barriers and effectively mitigate fair housing concerns, including impediments to fair housing choice and disparities in access to opportunity.
- Fair housing must be an integral component of all strategies to build new housing and rehabilitate existing housing in all communities so that patterns of racial and socioeconomic segregation are not reinforced. Metro area entitlement communities receiving Community Development Block Grant funds should support fair housing work as one means of satisfying obligations to affirmatively further fair housing.
- There has not been a fair housing audit of this type conducted in the Denver metro region by a private fair housing center for at least seven years. The results of this rental audit show that more testing is needed to determine the nature and extent of housing discrimination in the region. Testing activities should be expanded in Colorado to include a broader geographic area; additional protected class categories such as sexual orientation, marital status, source of income, and military status; and additional housing markets including real estate sales, mortgage lending, homeowners/renters insurance, and housing design and construction.
- As noted previously, the Colorado Analysis of Impediments to Fair Housing 2011-2015<sup>4</sup> describes the need for outreach and education related to fair housing in Colorado. Quality education should be provided to the public, including housing providers, regarding their rights and responsibilities under fair housing laws through the implementation of a comprehensive fair housing education and outreach program.

### ***Housing Providers***

It is essential that all apartment owners and staff communicate consistent and accurate information to all people regardless of race, color, national origin, religion, sex, disability,

familial status, marital status, sexual orientation, ancestry, creed and other classes protected by local laws.

- **Adopt a Training Strategy:** To prevent future incidents of housing discrimination, the housing industry should work with private and public fair housing organizations to maintain a regular schedule of fair housing training and refresher courses to educate all apartment complex staff, owners, and managers to understand and meet their responsibilities under fair housing law.
- **Perform Self-Testing:** Housing providers should conduct self-testing to ensure that agents are treating all prospective tenants and residents equitably. Housing providers may contract with DMFHC to accomplish this task and identify areas of concern.
- **Adopt Procedures for Reasonable Accommodation and Reasonable Modification Requests:** All housing providers should adopt procedures to respond to requests for reasonable accommodations and reasonable modifications for people with disabilities, and keep current on applicable fair housing laws. The most common complaint filed by fair housing centers nationwide is on the basis of disability at 47.1 percent, according to NFHA's 2013 Housing Trends Report, and is the most frequent housing discrimination complaint received by DMFHC.<sup>8</sup>
- **Implement Non-Discriminatory Policies:** Housing providers should adopt written non-discrimination policies and review all current policies and procedures for potential violations of federal, state, and local fair housing laws. One example of a policy that is unlawful under state law is an application fee discount offered to married couples only. Because marital status and sexual orientation are protected classes in Colorado, providing a discount to married people that is not available to singles or unmarried couples is an example of discrimination in terms, conditions, or privileges of rental.
- **Provide Consistent Service:** It was noted in the audit testing that some agents asked for contact information from housing seekers, sent follow up messages, and returned calls in an inconsistent manner. Leasing agents should be consistent in their treatment of prospective tenants before, during and after an on-site visit, providing the same level of service to all prospects.
- **Create Inclusive Publications:** Printed brochures and advertisements for some housing providers tested during the audit portrayed only white, single residents. Housing providers should make all publications inclusive to avoid the appearance of an illegal preference for certain groups. The federal Fair Housing Act makes it illegal to make, print, or publish, or cause to be made, printed, or published housing ads that discriminate, limit or deny equal access to apartments or homes because of race, color, national origin, sex, religion, familial status or disability.