



FAIR HOUSING AUDIT REPORT

Fiscal Year 2023-2024

Cities of Alameda, Berkeley, Concord, Hayward, Livermore,
Monterey, Oakland, Pleasanton, Salinas, San Leandro, Seaside, Union City, and Walnut Creek;
and the Counties of Alameda, Contra Costa, and Monterey

Prepared and submitted by:

THE EDEN COUNCIL FOR HOPE AND OPPORTUNITY

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CITY OF ALAMEDA

CITY OF BERKELEY

CITY OF CONCORD

CITY OF HAYWARD

CITY OF LIVERMORE

CITY OF MONTEREY

CITY OF OAKLAND

CITY OF PLEASANTON

CITY OF SALINAS

CITY OF SAN LEANDRO

CITY OF SEASIDE

CITY OF UNION CITY

CITY OF WALNUT CREEK

ALAMEDA COUNTY

CONTRA COSTA COUNTY

MONTEREY COUNTY

EXECUTIVE SUMMARY

The Federal Fair Housing Amendments Act, the California Fair Employment and Housing Act, and the California Unruh Civil Rights Act prohibit discrimination in the housing industry. Federal legislation protects persons from discrimination based on race, color, national origin, sex, religion, handicap (physical or mental disability), and familial status. California statutes prohibit discrimination based on sex, sexual orientation, race, color, religion, familial status, ancestry, marital status, national origin, mental or physical disability, source of income, or any other arbitrary reason such as age or occupation.

Despite the presence of strong, enforceable laws, discrimination continues to be a problem in the Bay Area. The Eden Council for Hope and Opportunity (ECHO Housing) is committed to ending illegal discrimination in housing. As part of the ongoing effort to document the occurrence of housing discrimination in our communities, ECHO conducted a housing audit in the Cities of Alameda, Antioch, Berkeley, Concord, Hayward, Livermore, Monterey, Oakland, Pleasanton, Salinas, San Leandro, Seaside, Union City, Walnut Creek, and urban and unincorporated areas of Alameda County, Contra Costa and Monterey Counties.

Every year ECHO Housing conducts an audit of rental properties in local communities to see how well they are conforming to fair housing. This year we focused our attention on Disability. Specifically, we wanted to see if a potential renter who uses a wheelchair would face barriers in obtaining the housing of her choice. In 1988, the Federal Fair Housing Act was amended to include Disability as a protected class. It is illegal for housing providers to deny or treat an applicant differently based on their disability. This protection covers people with mental, intellectual, or physical impairments.

ECHO tested 217 properties in 16 jurisdictions. The testing was conducted from March 2024 to May 2024. We found that in 6% of the tests, the disabled tester faced different and/or unfair treatment in her search for housing.

ECHO works to reduce discrimination in housing through education and enforcement. The owners and managers of the properties, where evidence of differential treatment was found, will be invited, and encouraged to participate in fair housing training seminars and workshops offered by ECHO. Education and enforcement must be priorities in the fight to end illegal discrimination in housing. ECHO is committed to ensuring that all people have equal access to housing choice.

MISSION STATEMENT

"The primary objectives and purposes of this corporation shall be:

...To promote equal access to housing and provide support services to prevent homelessness and secure permanent housing to promote equity and opportunities for everyone."

Eden Council for Hope and Opportunity
May 15, 2024

INTRODUCTION

The Eden Council for Hope and Opportunity (ECHO Housing) was founded in 1964 and incorporated in 1965. ECHO Housing is a publicly supported, non-profit housing counseling agency established to provide comprehensive housing counseling services to residents of Alameda County. ECHO also provides housing counseling services to residents of Contra Costa and Monterey Counties. ECHO's services include an extensive fair housing program. This program is designed to promote equal access to housing opportunities through education, investigation, conciliation, mediation, training and, when necessary, litigation. The primary focus is on community outreach, education, and training regarding civil rights issues as they apply to housing.

Specific Fair Housing Services include counseling, investigation of complaints, conciliation services and legal referrals. ECHO maintains a list of cooperating attorneys who specialize in fair housing and civil rights law. Upon a client's request, ECHO will refer clients to these attorneys. Clients may also choose to pursue their complaints with the United States Department of Housing and Urban Development (HUD) or the California Civil Rights Department (Formerly DFEH).

During fiscal year 2023-2024, ECHO conducted an email audit of rental properties in the Cities of Alameda, Berkeley, Concord, Hayward, Livermore, Monterey, Oakland, Pleasanton, Salinas, San Leandro, Seaside, Union City, Walnut Creek; and urban and unincorporated areas of Alameda, Contra Costa and Monterey Counties.

LEGAL BACKGROUND

ECHO's fair housing efforts are guided by both federal and state civil rights legislation. The Federal Fair Housing Amendments Act of 1988 prohibits discrimination in housing based on race, color, religion, national origin, sex, physical or mental disability and familial status. The California State Fair Housing laws include the Unruh Civil Rights Act (1959), the Rumford Fair Housing Act (1963) and the Fair Employment and Housing Act (1992), which prohibit discrimination based on race, color, religion, sex, age, ancestry, marital status, sexual orientation, familial status, mental or physical disability, source of income, and any other arbitrary reason.

The City of Hayward adopted the Child Discrimination Ordinance (89-055 C.S.) in October 1989. The purpose of this ordinance is to “prohibit discrimination against persons with minor children in rental housing.”

In July 2019, The City of Hayward passed Ordinance No. 18-06, which includes protections for holders of Housing Choice Vouchers (Section 8). Landlords can no longer deny housing to persons based on them holding a Housing Choice Voucher.

On October 8, 2019, Governor Gavin Newsom signed SB 329 into law. This new law became effective on January 1, 2020. This law provides statewide protections against housing discrimination for persons who hold a Housing Choice Voucher. Although housing providers can deny housing to anyone based on poor credit or rental history, they are no longer able to deny housing solely on the basis that an applicant has a housing voucher.

Several approaches can be taken in dealing with discriminatory housing practices. Often a person with a complaint contacts a local fair housing agency. The fair housing agency will conduct either a telephone test or a site investigation to objectively determine if illegal discrimination has occurred. A complainant has the right to file their case with a government enforcement agency or with a private attorney. The complainant also has a right to request conciliation or pursue mediation to have a policy or rule changed.

Another method of combating illegal housing discrimination is through auditing. Auditing is a tool used to measure compliance with federal and state fair housing laws, and to determine if illegal patterns and practices are used by members of the rental housing industry. Although most audits are educational in nature, the audit findings can be referred for litigation when patterns and practices of discrimination have become entrenched, and the property owner is uncooperative or resistant to the educational process.¹

RATIONALE

Auditing is undertaken to evaluate the treatment of persons protected under federal and state fair housing laws by housing industry. It is an objective investigative process used to discover if patterns of illegal rental practices are present. Posing as bona fide home seekers, trained testers report their experiences with respect to quality, quantity, and content of services that were offered to them by a rental agent. To determine if differential treatment has occurred based on a person's protected class, Fair Housing Counselors complete a comparative analysis of the testers' reports. The audit results are used to provide fair housing education to owners and managers, with the goal of obtaining compliance with fair housing laws, thus ensuring that equal housing opportunities are available to all people.

METHODOLOGY

Testers

ECHO's fair housing staff did not use testers in this audit. This was an email only audit

¹ United States vs. Youritan Construction Co., 1973; Havens Realty Corporation vs. Coleman, 1982

Site Selection

A total of 217 properties were tested in this audit: 10 in Alameda, 15 in Berkeley, 5 in Concord, 10 in Hayward, 10 in Livermore, 6 in Monterey, 30 in Oakland, 10 in Pleasanton, 30 in Salinas, 9 in San Leandro, 7 in Seaside, 10 in Union City, 5 in Walnut Creek, 20 in Alameda County, 27 in Contra Costa County, and 13 in Monterey County. Properties were chosen from advertisements for available rental units found primarily using www. Craigslist.org.

Profile

Minority tester profile: Single disabled woman who uses a wheelchair.

Majority tester profile: Single non-disabled woman does not use a wheelchair

Conducting the Test

Using two “dummy email accounts”, the fair housing staff sent emails inquiring about available rental housing. The emails were sent about hour apart. The first email sent out was from the disabled home seeker looking to rent a unit. It is revealed that the home seeker uses a wheelchair. The second email that was sent out was from the home seeker looking for a unit who did not have a disability and did not use a wheelchair.

Evaluation

Based on the nature of the responses, we gave each audit one of the following ratings:

- (1) No differential treatment based on disability. In these tests both testers received the same treatment. Either both received a response from the housing provider, or neither received a response from the housing provider.
- (2) Differential treatment based on disability. In these tests, only the Majority tester received a response. The Minority tester did not receive a response or received a negative response regarding her disability.

RESULTS

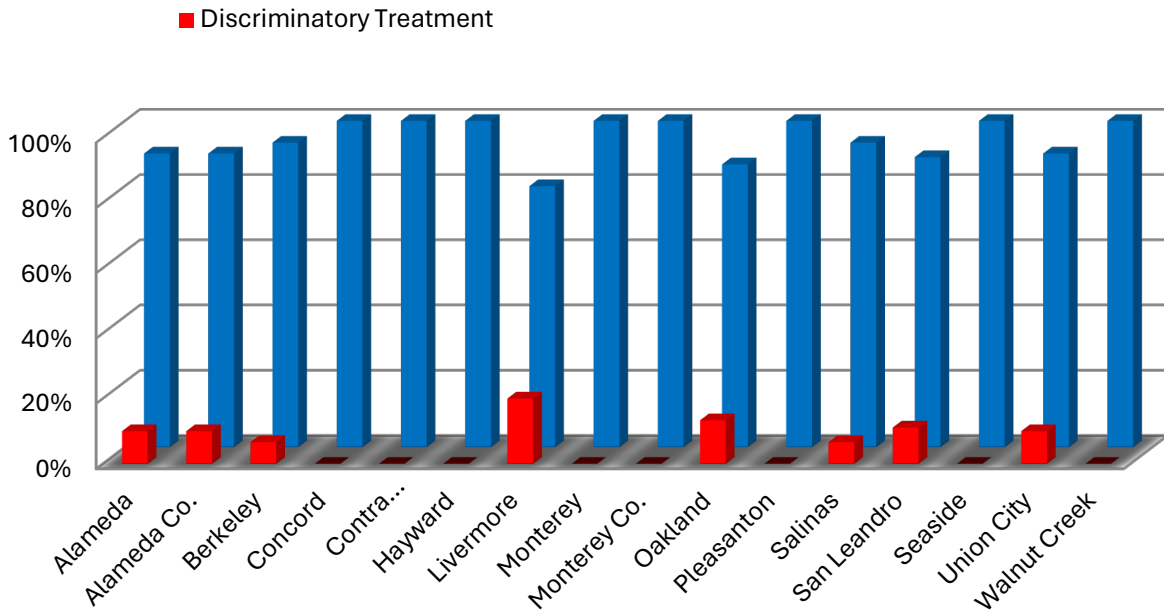
Two hundred seventeen (217) properties were tested in this audit. In 14 (6%) of the properties tested, the Minority tester either did not receive a response from the housing provider or received a response that was negative. In 203 (94%) of the tests, there was no differential treatment.

See table and chart on the following page.

TABLE 1

Jurisdiction	Differential Treatment		No Differential Treatment		Total
Alameda	1	10%	9	90%	10
Alameda Co.	2	10%	18	90%	20
Berkeley	1	7%	14	93%	15
Concord	0	0%	5	100%	5
Contra Costa Co.	0	0%	27	100%	27
Hayward	0	0%	10	100%	10
Livermore	2	20%	8	80%	10
Monterey	0	0%	6	100%	6
Monterey Co.	0	0%	13	100%	13
Oakland	4	13%	26	87%	30
Pleasanton	0	0%	10	100%	10
Salinas	2	7%	28	93%	30
San Leandro	1	11%	8	89%	9
Seaside	0	0%	7	100%	7
Union City	1	10%	9	90%	10
Walnut Creek	0	0%	5	100%	5
Total	14	6%	203	94%	217

Results by Jurisdiction



CONCLUSION

The ECHO Housing staff was pleased that so little discrimination against physically disabled home seekers showed up in our audit. There were a handful of housing providers who expressed concerns about disabled persons living on the property because they didn't have an elevator. There were also a few who only followed-up with the non-disabled tester. In many cases neither tester had their email inquiring about housing answered. Two of the housing providers only responded to the disabled tester's email.

Since 1988, it has been illegal to discriminate against disabled people in housing. The New Construction Act in 1992 mandates that all new building be accessible or easily make accessible for people with disabilities. Other laws like the Americans with Disabilities Act have been powerful tools used to ensure that disabled people have the ability to access public spaces like schools, eating establishments, sidewalks, libraries and so forth.

Would our audit results be different if testers met with housing providers in person? Perhaps. When Covid 19 hit, ECHO ceased doing site testing and focused solely on email and phone testing since these testing methods didn't call for any physical contact. As we build back our testing pool with testers who are willing to do in-person site tests, it is conceivable that we will look into doing another audit based on physical discrimination in the future.

THE NEXT STEP

ECHO will follow up this audit with an educational campaign directed at the owners and managers involved. It is important for owners and managers of rental properties to receive feedback on their performance in the audit as well as information and training regarding fair housing laws.

Each of the housing providers of the properties in this audit will be contacted by email or phone and given a report on their performance. They will be encouraged to meet with ECHO's Fair Housing Counselors to discuss the findings at their properties, and, in cases where differential treatment was found, to suggest changes that could be made to bring their rental policies and practices in compliance with federal and state fair housing laws. They will also be encouraged to schedule a training session. These sessions are offered by ECHO's Counselors at no charge to the owners.

ECHO will also continue its general education campaign within the communities it serves, informing home seekers that they are legally protected from housing discrimination, and working with housing providers to make sure that acts of illegal discrimination against persons in all the protected classes can be prevented. ECHO is committed to assuring everyone a fair opportunity to meet his or her housing needs.

SUMMARY OF AUDIT TEST RESULTS

Code to Summary of Audit Test Results

ALA	Alameda	MOCO	Monterey County
ACO	Alameda County	OAK	Oakland
BKLY	Berkeley	PLEAS	Pleasanton
CON	Concord	SAL	Salinas
CCC	Contra Costa County	SL	San Leandro
HAY	Hayward	SEA	Seaside
LIV	Livermore	UC	Union City
MON	Monterey	WC	Walnut Creek

Minority tester profile: Single disabled woman who uses a wheelchair.

Majority tester profile: Single non-disabled woman does not use a wheelchair

<u>Code</u>	<u>Findings</u>
ALA-1	No difference.
ALA-2	No difference.
ALA-3	No difference.
ALA-4	No difference.
ALA-5	No difference.
ALA-6	No difference.
ALA-7	No difference.
ALA-8	Different in treatment.
ALA-9	No difference.
ALA-10	No difference.
ACO-1	Different in treatment.
ACO-2	Different in treatment.
ACO-3	No difference.
ACO-4	No difference.
ACO-5	No difference.
ACO-6	No difference.
ACO-7	No difference.
ACO-8	No difference.
ACO-9	No difference.
ACO-10	No difference.
ACO-11	No difference..
ACO-12	No difference.
ACO-13	No difference.
ACO-14	No difference.

ACO-15	No difference.
ACO-16	No difference.
ACO-17	No difference.
ACO-18	No difference.
ACO-19	No difference.
ACO-20	No difference.
BKLY-1	No difference.
BKLY-2	No difference.
BKLY-3	Different in treatment.
BKLY-4	No difference.
BKLY-5	No difference.
BKLY-6	No difference.
BKLY-7	No difference.
BKLY-8	No difference.
BKLY-9	No difference.
BKLY-10	No difference.
BKLY-11	No difference.
BKLY-12	No difference.
BKLY-13	No difference.
BKLY-14	No difference.
BKLY-15	No difference.
CON-1	No difference.
CON-2	No difference.
CON-3	No difference.
CON-4	No difference.
CON-5	No difference.
CCC-1	No difference.
CCC-2	No difference.
CCC-3	No difference.
CCC-4	No difference.
CCC-5	No difference.
CCC-6	No difference.
CCC-7	No difference.
CCC-8	No difference.
CCC-9	No difference.
CCC-10	No difference.
CCC-11	No difference.
CCC-12	No difference.
CCC-13	No difference.

CCC-14	No difference.
CCC-15	No difference.
CCC-16	No difference.
CCC-17	No difference.
CCC-18	No difference.
CCC-19	No difference.
CCC-20	No difference.
CCC-21	No difference.
CCC-22	No difference.
CCC-23	No difference.
CCC-24	No difference.
CCC-25	No difference.
CCC-26	No difference.
CCC-27	No difference.
HAY-1	No difference.
HAY-2	No difference.
HAY-3	No difference.
HAY-4	No difference.
HAY-5	No difference.
HAY-6	No difference.
HAY-7	No difference.
HAY-8	No difference.
HAY-9	No difference.
HAY-10	No difference.
LIV-1	No difference.
LIV-2	No difference.
LIV-3	No difference.
LIV-4	No difference.
LIV-5	No difference.
LIV-6	Difference in treatment.
LIV-7	No difference.
LIV-8	No difference.
LIV-9	No difference.
LIV-10	Difference in treatment.
MON-1	No difference.
MON-2	No difference.
MON-3	No difference.
MON-4	No difference.
MON-5	No difference.

MON-6	No difference.
MOCO-1	No difference.
MOCO-2	No difference.
MOCO-3	No difference.
MOCO-4	No difference.
MOCO-5	No difference.
MOCO-6	No difference.
MOCO-7	No difference.
MOCO-8	No difference.
MOCO-9	No difference.
MOCO-10	No difference.
MOCO-11	No difference.
MOCO-12	No difference.
MOCO-13	No difference.
OAK-1	Difference in treatment.
OAK-2	No difference.
OAK-3	No difference.
OAK-4	No difference.
OAK-5	No difference.
OAK-6	No difference.
OAK-7	No difference.
OAK-8	Difference in treatment.
OAK-9	No difference.
OAK-10	No difference.
OAK-11	No difference.
OAK-12	No difference.
OAK-13	No difference.
OAK-14	No difference.
OAK-15	No difference.
OAK-16	No difference.
OAK-17	No difference.
OAK-18	No difference.
OAK-19	Difference in treatment.
OAK-20	No difference.
OAK-21	No difference.
OAK-22	No difference.
OAK-23	No difference.
OAK-24	No difference.
OAK-25	No difference.
OAK-26	No difference.

OAK-27 No difference.
OAK-28 No difference.
OAK-29 No difference.
OAK-30 Difference in treatment.

PLEAS-1 No difference
PLEAS-2 No difference
PLEAS-3 No difference.
PLEAS-4 No difference.
PLEAS-5 No difference.
PLEAS-6 No difference.
PLEAS-7 No difference.
PLEAS-8 No difference.
PLEAS-9 No difference.
PLEAS-10 No difference.

SAL-1 No difference.
SAL-2 No difference.
SAL-3 No difference.
SAL-4 No difference.
SAL-5 No difference.
SAL-6 No difference.
SAL-7 No difference.
SAL-8 No difference.
SAL-9 Difference in treatment.
SAL-10 No difference.
SAL-11 No difference.
SAL-12 No difference.
SAL-13 No difference.
SAL-14 No difference.
SAL-15 No difference.
SAL-16 No difference.
SAL-17 No difference.
SAL-18 No difference.
SAL-19 No difference.
SAL-20 No difference.
SAL-21 No difference.
SAL-22 No difference.
SAL-23 No difference.
SAL-24 Difference in treatment.
SAL-25 No difference.
SAL-26 No difference.

SAL-27	No difference.
SAL-28	No difference.
SAL-29	No difference.
SAL-30	No difference.
SL-1	Difference in treatment.
SL-2	No difference .
SL-3	No difference.
SL-4	No difference.
SL-5	No difference.
SL-6	No difference.
SL-7	No difference.
SL-8	No difference.
SL-9	No difference.
SEA-1	No difference.
SEA-2	No difference.
SEA-3	No difference.
SEA-4	No difference.
SEA-5	No difference.
SEA-6	No difference.
SEA-7	No difference.
UC-1	Difference in treatment.
UC-2	No difference.
UC-3	No difference.
UC-4	No difference.
UC-5	No difference.
UC-6	No difference
UC-7	No difference.
UC-8	No difference.
UC-9	No difference.
UC-10	No difference.
WC-1	No difference.
WC-2	No difference.
WC-3	No difference.
WC-4	No difference.
WC-5	No difference.