

How Much Do We Know?

Public
Awareness
of the
Nation's
Fair
Housing
Laws

APRIL 2002



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**Prepared for:
U.S. Department of Housing and Urban Development
Office of Policy Development and Research**

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Washington, D.C.**

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FOREWORD

Public awareness of federal fair housing laws is important to ensuring equal opportunity in housing. However, there is little national documentation of the extent of such awareness. This report attempts to redress this situation by setting forth the results of a systematic survey of the American public on its understanding of the Federal Fair Housing Act.

The Department of Housing and Urban Development (HUD) takes seriously its role in building public awareness and understanding of federal fair housing laws. In furtherance of the Government Performance and Results Act of 1993, HUD sought ways to measure progress toward a performance goal to reduce instances of housing discrimination. One such indicator is the share of the population with adequate awareness of fair housing law.

The Department contracted with the Urban Institute to develop a survey of a random sample of the American public. The survey assessed public awareness of and support for fair housing law and individuals' perceptions concerning whether they had ever experienced housing discrimination. The survey involved a series of scenarios in which respondents were asked whether specific behaviors were covered by existing federal fair housing law or not. The University of Michigan's Survey Research Center administered the survey during December 2000 and January 2001, and the Urban Institute analyzed the data and prepared this report.

The findings show that there is widespread knowledge of and support for most fair housing protections and prohibitions. However, the public understands and supports some areas of the law more than others. The report offers the Department reason for encouragement in its continued efforts to combat housing discrimination and identifies specific areas in which public information and attention needs to be directed.



Lawrence L. Thompson
General Deputy Assistant Secretary

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SUMMARY

Surely the more one knows about any law, the more one is able to comply with it or benefit from the rights it affords. Whether such knowledge, in fact, translates into enhanced compliance or benefit may depend on factors beyond awareness, but having basic information would appear to be a prerequisite. So, one might ask about the nation's fair housing laws—those prohibiting actions deemed to be discriminatory and according rights to protect people from discrimination—is there sufficient knowledge among the general public to promote compliance and benefit? What do you think—how much do we, the public, know about fair housing laws?

Before reading further, do you think it is legal . . .

- To refuse to rent to someone because of his or her bad housekeeping habits? Yes No
- For a real estate agent to presume that white purchasers only want to buy in white neighborhoods and, therefore, to show them homes only in such neighborhoods? Yes No
- For white homeowners to limit the sale of their home to white buyers in order to protect prospective purchasers from prejudiced neighbors? Yes No
- To assign all families with small children to a particular building in a rental complex so as not to bother others? Yes No

Background. The Fair Housing Act was originally enacted as Title VIII of the Civil Rights Act of 1968 and was amended by the Fair Housing Amendments Act of 1988. It prohibits discrimination on the basis of race, color, religion, national origin, sex, familial status, and

disability in the sale or rental of housing and in other real estate-related transactions, with certain limited exceptions. The U.S. Department of Housing and Urban Development (HUD) is the federal agency with primary responsibility for enforcing the Fair Housing Act. HUD investigates jurisdictional complaints of discrimination and attempts to resolve each complaint informally, as required by the Fair Housing Act. When a complaint cannot be resolved through such informal conciliation, HUD completes its investigation and makes a determination on the merits. If HUD finds discrimination or “reasonable cause” to believe the law has been violated, HUD brings the matter before an Administrative Law Judge who may order injunctive relief, compensatory damages, and civil penalties.

To learn what the general public knows and how it feels about fair housing law, a national survey of 1,001 persons was conducted during December 2000 and January 2001. It was funded by HUD, designed and analyzed by the Urban Institute, and administered by the University of Michigan’s Survey Research Center. The survey satisfies a HUD *Annual Performance Plan* commitment to assess the level of public awareness of fair housing law and establish a baseline for future performance measurement purposes.

The survey was designed to represent all adults in the nation. The survey’s questionnaire includes ten brief scenarios describing decisions or actions taken by landlords, home sellers, real estate agents, or mortgage lenders—eight of which involve conduct that, as stipulated in the scenarios, is illegal under federal fair housing law. For rental housing, the scenarios deal with treating families with children differently, opposing construction of a wheelchair ramp, advertising a religious preference, or disapproving applicants based on their mental condition or religion. Home sale scenarios involve restricting a sale to white buyers only, a real estate agent limiting a white family’s home search to white-only areas, and a lender charging a higher down payment for a mortgage loan based on an applicant’s ethnicity.

In addition to the eight scenarios portraying illegal conduct, two scenarios concern conduct not covered by federal law: disapproving a rental applicant due to an applicant’s house-keeping habits, and denying a home mortgage loan because an applicant lacked sufficient income to cover a monthly mortgage payment.

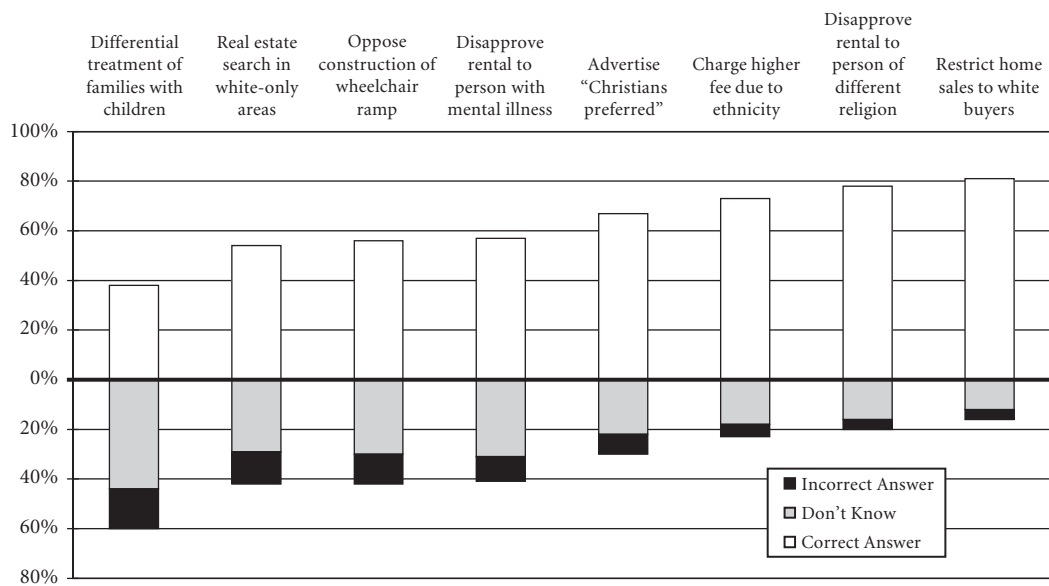
The scenarios are intentionally worded so as not to signal whether the conduct is lawful. After each scenario was presented, respondents were asked if they believed the conduct to be legal or illegal under federal law and, in addition, if they personally approved of it—federal law notwithstanding. This portion of the survey establishes the extent of people’s awareness of fair housing law and their attitude toward it. Other information collected during the survey concerns public support for an “open-housing” law, whether people perceive themselves to have ever experienced discrimination in the sale or rental of housing, and, if so, what they did about it.

Public awareness. One-half of the general public can correctly identify as unlawful six or more of the eight scenarios describing illegal conduct. Conversely, less than one-fourth knows the law in only two or fewer of the eight cases. The average person can correctly identify five instances of unlawful conduct. Looked at on a scenario-by-scenario basis, a majority of the public can accurately identify illegal conduct in seven of the eight scenarios, although the size of that majority ranges from large to quite modest. There are, however,

two scenarios—one describing legal and the other illegal conduct—about which the public is generally uninformed.

There is relatively widespread—although not universal—knowledge of some core fair housing law protections and prohibitions dealing with race, religion, and ethnicity, and slightly less knowledge about advertising preferences. More than 70 percent of the public know that it is contrary to federal law for owners working through real estate agents to limit the sale of their homes to white buyers only, for landlords to exclude renters based on their religion, and for lenders to require higher down payments from applicants based on their ethnicity. Somewhat fewer people, but still two-thirds of the public, correctly believe it to be unlawful to advertise a religious preference (e.g., “Christians preferred”) when attempting to rent an apartment. On these issues, therefore, the size of the majority is reasonably large.

Eight Scenarios Involving Illegal Conduct



Albeit still a majority, less people know about discriminatory real estate search practices and illegal rental conduct involving persons with disabilities. For example, 57 percent of the public are aware that it is illegal for landlords to refuse to rent to persons with mental illness who are not a danger to others; 56 percent know it is illegal to deny a renter’s reasonable request for accommodation by the construction of a wheelchair ramp; and 54 percent are aware that it is unlawful for real estate agents to limit a home search to geographical areas based on their racial composition.

There is minimal awareness of the law as it pertains to treatment of families with children. Only a minority of the public, 38 percent, is aware that it is generally illegal to treat families with children any differently from households without children—including limiting families with children to a particular building.

With respect to the two scenarios describing conduct that is legal under federal law, the public is well informed about a mortgage lender's legal right to reject an applicant strictly on the basis of income and employment history. It is, however, especially uninformed about a landlord's legal right, under federal law, to reject a rental applicant because of housekeeping habits. In fact, more people believe it to be illegal to deny a rental to someone with poor housekeeping habits than believe it to be illegal to treat families with children differently—the latter being contrary to the law.

There are some demographic differences in knowledge of the law, but they are relatively modest. Those likely to know somewhat more have higher incomes and education, as might be expected; there are, however, no statistically significant differences in the extent of fair housing awareness by gender, housing tenure (owner versus renter), or race/ethnic origin. It is interesting that people between the ages of 35 and 44 are somewhat more likely to have a high level of knowledge compared with both older and younger persons, challenging a notion held by fair housing specialists that knowledge is increasing with each successive generation. Finally, it appears as if persons residing in the Northeast are somewhat more likely to have a high level of knowledge than are those living in other regions, especially the Midwest, but such differences are not statistically significant.

Public attitudes. Apart from its knowledge of fair housing law, does the public support its basic tenets? People's opinions regarding the conduct depicted in the scenarios provide one answer to this question. In seven of the eight scenarios depicting unlawful conduct, majorities believe that landlords, sellers, real estate agents, and mortgage lenders should not engage in such conduct. The size of each majority, however, varies by the type of situation portrayed, with the smallest—involving advertising a religious preference for a rental—being 58 percent.

With respect to five of the scenarios, a somewhat larger percentage of the population is opposed to the conduct than knows it to be illegal, which means that there is a bit more public support for fair housing protections than knowledge of the law. When it comes to differential treatment of families with children, however, only a minority disapproves of a landlord limiting such families to a particular building in a rental complex.

Examining the relationship between individual attitudes and awareness is instructive, especially in light of the challenge facing fair housing education programs. For example, a plurality of the public, 38 percent, is higher than average in its objection to discriminatory housing market conduct and its awareness of federal fair housing law. For such people, attitudes and awareness are congruent with one another and consistent with the law. Additionally, 28 percent oppose many instances of discriminatory conduct, notwithstanding their lower-than-average level of fair housing law awareness. The persons in these two groups, constituting two-thirds of the public, tend to support the objectives of the Fair Housing Act, even though those in the latter group lack information about the law.

Fair housing education programs face different challenges when it comes to the remainder of the population. For example, approximately one-fifth of the public apparently approves of many instances of discriminatory housing market conduct while being unaware that much of that conduct is unlawful. Whether disseminating information about fair hous-

ing law to those persons would help to change their attitudes is not known, but it would certainly be a reasonable course to pursue presuming that such information might help to modify attitudes. For the remaining 13 percent of the public, however, that strategy seems inappropriate. Such people approve of many instances of discriminatory conduct despite their knowledge that much of that conduct is illegal.

Support for open-housing laws. Choices people make regarding allowable behavior in home sales are another indicator of public support for fair housing law. Respondents were asked which of two competing local laws they would vote for. The first law gives homeowners the right to decide whom to sell their house to, even if they prefer not to sell to people of a certain race, religion, or nationality; the second law prohibits homeowners from refusing to sell based on a buyer's race, religion, or nationality. The latter is generally referred to as an open-housing provision.

Approximately two-thirds of all adults say they would vote for an open-housing provision, while 24 percent indicate they would vote for the alternative. Those who are more informed about fair housing law tend to support open housing at higher rates than do those who are less well informed; three-fourths of the former, compared with about one-half of the latter, think the law should prohibit discrimination in home sales.

Perceived discrimination. Although the survey does not measure objectively the extent of housing discrimination, people were asked if they thought they had ever been discriminated against when trying to buy or rent a house or apartment. Rather than being given a definition of, or criteria for identifying, housing discrimination, respondents were free to define discrimination in their own terms. However, the question did follow in sequence the series of scenarios discussed above.

Fourteen percent of the adult public—the equivalent of more than 28 million people—believe they have experienced some form of housing discrimination at one point or another in their lives. Whether it involved discrimination as defined under the Fair Housing Act is not known. Clearly, however, such perceptions are, by definition, real to those who express them. Blacks and Hispanics are considerably more likely than whites to say they have suffered discrimination, as would be expected based on the history of housing discrimination. However, in absolute terms, far more whites than blacks or Hispanics allege to have experienced discrimination of some kind.

Discrimination is perceived more so by those with a high level of awareness of fair housing law (at twice the rate of those with low awareness), by younger persons, and by current renters as opposed to owners—although whether the discrimination involved renting is not known. Perceived discrimination is also, in some small degree, associated with increased education and both the lower and higher ends of the income spectrum. Finally, people who currently reside in the West are twice as likely to allege discrimination than those who live in the Northeast—although the locale of the discrimination experience is not known.

Of those who thought they had suffered discrimination, the large majority apparently had done nothing about it; 17 percent said they had done something. Of the latter, most complained directly to the person that they believed to be discriminating against them. Some

sought help from a fair housing group or other organization, and a small proportion complained to a government agency or worked with a lawyer. Almost two of every five people who did nothing about the perceived discrimination believed an action was not worth the effort, that there was no point to responding, that it would not have solved the problem, or, in some instances, that it could have made the problem worse. Twenty-two percent of those with a high level of awareness of fair housing law had done something, compared with 8 percent of those with a low level of awareness.

Survey implications. The premise underlying programs that promote fair housing law awareness is that increased awareness is a stepping-stone to reduced discrimination. While the survey was not designed to assess the accuracy of this premise, the evidence shows some association between awareness of the law, recognition of conduct perceived to contradict the law, and willingness to respond to such conduct. In this respect, the survey's results support the need for continued efforts to promote better public understanding of personal rights and responsibilities under the fair housing law. Furthermore, the fact that there are not especially large differences in the level of public awareness across various demographic segments suggests that there is no obvious gap for targeting fair housing educational programs, with the possible exception of younger persons.

The public understands some areas of the law less well than others, however. For example, many people are not aware of the law as it pertains to persons with disabilities and to real estate search practices. Yet the most dramatic finding from the survey involves the limited knowledge of and support for that portion of fair housing law that prohibits discrimination against families with children. Compared with other forms of housing discrimination, for which there is at least a majority that is informed and supportive, a relatively small segment of the population comports to existing law when it comes to treatment of families with children. For fair housing education purposes, this suggests not only the need for more emphasis on the rights of such families, but also the need to raise the level of general public understanding as to why differential treatment of families with children warrants legal protection.

The survey also suggests the need to structure different kinds of educational strategies depending on people's knowledge, attitudes, and the relationship between the two. For example, a quite different approach is required for those who oppose unlawful conduct without being aware that it is against the law, than for those who support such conduct while knowing it to be illegal.

It is also important to assess whether the current level and type of effort being made to educate the public about fair housing law is having the desired results. This requires repetition of the current survey at future points, such as every two to three years. A lack of improvement in public awareness beyond what has been measured at baseline would warrant a hard look at the design and implementation of programs meant to increase public awareness.

Another finding with implications for fair housing programs involves the fact that so few people who believed they had been discriminated against took any action, with most seeing little point to doing so. Clearly, something needs to be done to raise the level of public

knowledge about the complaint and enforcement process, to emphasize that it applies to the range of conduct that constitutes housing discrimination, and to encourage greater trust in the efficacy of that system. It is not so obvious, however, what needs to be done. At a minimum, some additional study seems warranted to explore what people think is involved in complaining, why so little is expected from the system designed to provide adjudication or remedy, and what the public needs to know in order to motivate a more assertive response.

Finally, given the high incidence of perceived housing discrimination revealed by the survey, it is worth considering how better to measure and monitor the incidence of perceived discrimination over time. Do people believe things are getting better or getting worse? How close to or far from the terms of the Fair Housing Act is the public's definition of housing discrimination? The fact that so many people believe it is illegal for a landlord to reject an applicant because of housekeeping habits certainly suggests a broader view of discrimination than that proscribed by federal law. Alternatively, minimal recognition of the fact that differential treatment of families with children is illegal suggests a narrower view. Thus, alongside objective assessment and tracking of the frequency of discriminatory actions by landlords, home sellers, real estate agents, mortgage lenders, or others, it would be helpful to know if the public perceives more or less housing market discrimination over time.

Postscript. Before reading this summary, did you know that renters with poor housekeeping habits are not a protected class under federal fair housing law, whereas families with children are? If so, you knew more than most people. Thinking back, did you believe the public was more or less knowledgeable about fair housing law than it actually is? Either way, it is clear that public awareness is fairly extensive with respect to some aspects of the law but, when it comes to other aspects, there is considerable room for improvement—and evidence in the survey to suggest the benefits of such improvement.

Public Awareness OF THE Nation's Fair Housing Laws

The nation's fair housing laws are intended to prohibit discrimination in the rental and sale of housing. The extent to which the general public is aware of these laws and their prohibition against rental and sales discrimination is the subject of this report.

HOUSING DISCRIMINATION

There is bias in the housing market whenever people who desire to rent or purchase apartments or homes are denied access or put at a disadvantage strictly because of some personal attribute, affiliation, or condition. For example, a landlord may not rent to students, a home seller may require a very large cash deposit, or a bank may give preference for home mortgage loans to its own depositors. Such bias may or may not be considered discriminatory under the law, however. Determining that an action actually demonstrates discrimination depends on the nature of the denial and the particular attributes, affiliations, or conditions involved. These are defined by statute and further delineated in case law, as will be discussed below.

Few would dispute the existence of illegal discrimination in the housing market, but not everyone agrees about how frequently it occurs. Indeed, quantifying how much discrimination actually occurs is difficult and complex. This is partly because complaints about discriminatory treatment depend not only on individuals' ability to perceive it but also on their willingness to take action. Clearly, not all discrimination is reported nor, for that matter, easily detected by the person experiencing it due to the subtleties of some discriminatory housing practices. Furthermore, not all allegations of discrimination are valid. Given these caveats, the U.S. Department of Housing and Urban Development (HUD) and local fair housing agencies report having received 81,846 claims and complaints of housing discrimination between 1989 and 1997, and have continued to receive about 10,000 per year since 1997. Approximately 43 percent of claims and complaints in 1997 were race related, 35 percent were due to disability, and 18 percent were associated with familial status.

A growing body of empirical evidence dealing with the extent of rental housing and mortgage lending discrimination has resulted from the use of “tests” or audits. These have been designed to identify objectively both blatant and subtle forms of discrimination. Typically, testing methodology pairs two people of different backgrounds (e.g., race, national origin, sex, etc.) who otherwise have similar housing qualifications (such as income, credit worthiness, etc.) and needs, and examines the treatment the matched pair receives when renting or buying housing. Any observed differences in treatment during the transaction (apartment availability, loan quotes, etc.) are attributed to possible discrimination.¹

The first such national audit, completed in 1977, reported widespread discrimination against blacks in the housing market. Ten years later, a second effort concluded that African Americans and Hispanics were discriminated against about 50 percent of the time in both the rental and sales markets.² Due to differences in methodologies between the two studies, however, change in the rate of discrimination over time could not be measured. HUD estimated during the mid-1990s that 2 to 10 million incidents of discrimination occurred in the housing market during the period from 1977 to 1987,³ but there are no recent national data on the incidence of discrimination that rely on objective and scientific methods.⁴

FEDERAL FAIR HOUSING LAW

The cornerstone of Federal fair housing law, which defines and deals with discrimination, is the Fair Housing Act of 1968.⁵ It prohibits discrimination on a range of bases in the entire housing market, with certain limited exceptions. Amended in 1988,⁶ the Fair Housing Act sets forth the prohibited bases of discrimination, the types of conduct that constitute discrimination, and provisions for enforcement. Each is briefly discussed below.

1. Michael Fix and Margery A. Turner, eds., *A National Report Card on Discrimination in America: The Role of Testing* (Washington, D.C.: Urban Institute Press, 1999).

2. Raymond Struyk, Margery A. Turner, and John Yinger, *Housing Discrimination Study: Synthesis*, vol. 4 (November): 93–105 (Washington, D.C.: U.S. Department of Housing and Urban Development, 1991).

3. Joe R. Fegin, “Excluding Blacks and Others from Housing: The Foundation of White Racism,” *Cityscape* (Washington, D.C.: U.S. Department of Housing and Urban Development, 1999).

4. In December 1998, HUD announced it would fund and conduct a third national audit to measure housing discrimination against all major racial and ethnic minorities, including African Americans, Hispanics, Asian Americans and Native Americans. That study is currently underway. See John Goering, “Guest Editors’ Introduction,” *Cityscape* vol. 4 (November): 1–17 (Washington, D.C.: U.S. Department of Housing and Urban Development, 1999).

5. Title VIII of the Civil Rights Act of 1968, as amended in 1988, is also known as the Fair Housing Act. For further information on the act, see the *National Fair Housing Advocate Online* (www.fairhousing.com) or the U.S. Department of Housing and Urban Development (www.hud.gov/fhe/fhehous.htm). Other protections derive from the Civil Rights Act of 1866, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Executive Order 11063 (Nondiscrimination), Executive Order 12892 (Equal Opportunity in Housing), Executive Order 12898 (Environmental Justice), Section 504 of the Rehabilitation Act of 1973 (as amended), Title II of the Americans with Disabilities Act of 1990 (ADA), the Equal Credit Opportunity Act, and the Architectural Barriers Act of 1968.

6. The amendment took effect, however, in 1989.

Prohibited Bases

The Fair Housing Act prohibits discrimination in virtually all housing-related transactions based on race, color, national origin, religion, sex, familial status, and disability. The latter two classes were added by the 1988 amendment and, therefore, are the newest protected characteristics to be included under the Fair Housing Act. Familial status means the presence or anticipated presence of children under 18 in a home;⁷ those who live with children are considered members of this class. Persons with disabilities have a physical or mental impairment that substantially limits one or more major life activities, have a record of such impairment, or are perceived by another as having a physical or mental impairment.⁸

Conduct Constituting Housing Discrimination

The Fair Housing Act covers most kinds of housing transactions, including rentals, home sales, mortgage lending, home improvement, and zoning activities.⁹ However, there are some exemptions or limitations, depending on the type of transaction considered. For example, the act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a real estate agent or broker, and housing operated by organizations and private clubs that limit occupancy to members.¹⁰ It also limits the applicability of discrimination law protecting families with children by excluding certain types of housing that are strictly for older persons.¹¹

The Fair Housing Act does not prohibit all housing practices that some would consider unfair.¹² It prohibits only those housing-related practices that discriminate on the basis of

7. This includes children living with parents or legal custodians, pregnant women, and people securing custody of children under 18.

8. The 1988 amendment was enacted to end segregation of the housing available to people who have disabilities, give people with disabilities greater opportunity to choose where they want to live, and assure that reasonable accommodations be made to the individual housing needs of people with disabilities. See www.fairhousing.com/101/disability.htm.

9. *National Fair Housing Advocate Online* and *Fair Housing—It's Your Right* (Washington, D.C.: U.S. Department of Housing and Urban Development).

10. Although the federal Fair Housing Act exempts some housing, the 1866 Civil Rights Act (Reconstruction Act) prohibits racial discrimination in all housing, regardless of the number of units. This law is not enforced by any federal agency, but requires an aggrieved person to file a federal lawsuit. Moreover, to have standing under the 1866 Act, the issue must involve the making of a contract or the right to do so, but intimidation, failure to make a reasonable accommodation, or preferential advertising are examples of discrimination that do not involve making contracts. Nor does the 1866 Act cover all classes of persons covered by the Fair Housing Act, such as those with disability or families with children.

11. If housing is specifically designed for and occupied by older persons under a federal, state, or local government program, or is occupied solely by persons who are age 62 or older, or houses at least one person who is age 55 or older in at least 80 percent of the occupied units and adheres to a policy that demonstrates an intent to house persons who are age 55 or older, it is exempt from the prohibition of familial status discrimination.

12. According to the Tennessee Fair Housing Council, which maintains the *National Fair Housing Advocate Online* Web site, not all “unfair practices by a landlord or someone else involved in a housing-related transaction with a consumer are covered by the Fair Housing Act. For example, a landlord who fails to make repairs or otherwise live up to his obligations under a lease, or a real estate agent who commits a violation of state rules of agent ethics, may be acting ‘unfairly,’ but he is not in violation of the Fair Housing Act unless his action (or fail-

race, color, national origin, religion, sex, familial status, or disability.¹³ In addition, it is illegal to advertise or make any statement that indicates a limitation or preference on these bases. Finally, it is illegal for anyone to threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others who are exercising that right.

Enforcement Provisions

The primary authority and responsibility for administering as well as enforcing the Fair Housing Act resides with the Secretary of HUD.

During the first two decades following its enactment, the Fair Housing Act contained limited enforcement provisions. An individual could file a complaint with HUD, and the Department could facilitate a voluntary settlement between the aggrieved person and the person alleged to have discriminated.¹⁴ Former HUD Secretary Patricia Roberts Harris described filing such a complaint with HUD as a “useless task.”¹⁵ The Act also authorized the U.S. Department of Justice (DOJ) to file a civil action where there was a pattern or practice of discrimination or an issue of general public importance; it was entitled to obtain injunctive relief, but not monetary damages or penalties of any kind.

The act was amended in 1988 to strengthen its enforcement provisions. When the provisions took effect in 1989, the time allowed for filing housing discrimination complaints with HUD increased from 180 days to one year. To deal with the complaints, the amendment established a formal administrative process at HUD that requires HUD to investigate complaints within 100 days of filing unless it is impracticable to do so.¹⁶ After the investigation, HUD determines if there is either “reasonable cause” or “no reasonable cause” to believe that discrimination occurred. If reasonable cause is established, HUD issues a formal “charge” of discrimination and brings the complaint before a HUD Administrative Law Judge (ALJ) on behalf of the complainant.

A prevailing complainant in the HUD administrative process is entitled to injunctive relief and compensatory damages. The ALJ can also impose a civil penalty.¹⁷ Complainants, however, are not bound to go through this administrative mechanism. After HUD issues a formal “charge” following its investigation, either party (complainant or respondent) can elect to leave the ALJ hearing process for a trial in federal court. In that situation, DOJ brings

ure to act) is discriminatory on one of the seven bases listed above (state and local fair housing laws may add further protected bases).”

13. *Fair Housing—It’s Your Right*.

14. A complainant, however, had the right to file a lawsuit in federal court to enforce his or her fair housing rights. At that time, a prevailing plaintiff under the Fair Housing Act could ask for injunctive relief, compensatory damages, and up to \$1,000 in punitive damages.

15. Henderson, Wade J., Testimony, *Fair Housing Amendments Act of 1987*, Hearings before the House Subcommittee on Civil and Constitution Rights of the Committee on the Judiciary, 100th Cong., 1st sess., 1987.

16. HUD’s Office of Fair Housing and Equal Opportunity (FHEO) has responsibility for carrying out the department’s fair housing responsibilities under the Fair Housing Act.

17. The 1988 amendment provided for a penalty of up to \$10,000 for a first violation, up to \$25,000 for a subsequent violation within five years, and up to \$50,000 for two or more subsequent violations within seven years. These amounts have been adjusted upward over the years by the respective agencies and Congress.

the claim on behalf of the complainant. If the United States prevails on its claim, it may obtain injunctive relief, compensatory damages, and unlimited punitive damages.

In addition, under the amended Fair Housing Act, an aggrieved individual may bypass the Federal administrative process altogether and pursue a private right of action. A prevailing plaintiff can obtain injunctive relief, compensatory damages, punitive damages, and recover reasonable attorney's fees and costs. Finally, the act grants DOJ the authority to bring "pattern and practice" lawsuits challenging discriminatory housing practices. If DOJ brings a claim on behalf of the United States, the department can win injunctive relief, monetary damages for any aggrieved persons, and a civil penalty against the defendant.¹⁸

Promoting Fair Housing

HUD promotes fair housing through various programs and initiatives. For example, its Fair Housing Assistance Program (FHAP) helps state and local governments administer laws and ordinances of their own that are consistent with federal fair housing laws. HUD annually provides grants, on a noncompetitive basis, to state and local government agencies whose fair housing laws and ordinances are substantially equivalent to those of the Fair Housing Act.

HUD also administers the Fair Housing Initiatives Program (FHIP), which provides funding to non-profit organizations (including state and local governments) to support fair housing programs. Among such programs are those that inform the public of its rights and obligations under the Fair Housing Act. Although such programs vary widely, most fair housing agencies focus on disseminating information on fair housing rights to tenants and information on fair housing responsibilities to landlords, real estate agents, developers, insurance and lending professionals, and municipal and government staff. Likewise, HUD's National Education and Outreach Grants program supports a variety of public education initiatives. Eligible activities include conducting educational symposia, distributing fair housing materials, providing outreach and information through printed and electronic media, and providing outreach to persons with disabilities and to the general public regarding the rights of persons with disabilities under the Fair Housing Act.

State and Local Protections

In addition to federal protections, some states have adopted their own fair housing laws. Many such laws provide the same protections as the federal law, but some provide additional protections. For example, Massachusetts extends fair housing protections to persons receiving welfare or other types public assistance, including Section 8 housing subsidies.¹⁹ This means that landlords cannot refuse to rent to tenants on the basis of the source of their income or refuse to accept Section 8 subsidies. Some cities have also adopted ordinances to protect against discrimination in the housing market. Eugene, Oregon, for example, is

18. The act stipulates that the penalty can be up to \$50,000 for a first violation and up to \$100,000 for any subsequent violations.

19. The Fair Housing Center of Greater Boston, retrieved June 15, 2001, from http://boston.fairhousing.com/housing_rights.htm.

one of a number of localities that prohibits housing discrimination on the basis of sexual orientation.²⁰

A NATIONAL SURVEY OF PUBLIC AWARENESS OF FAIR HOUSING LAW

The information outlined above describes the nation's basic fair housing law and enforcement mechanism. How much of it the general public actually understands, however, has not been known. To find out just how much is known, a national cross-sectional survey of 1,001 adults was conducted during December 2000 and January 2001.²¹ The survey provides, for the first time, systematic information about what people know and how they feel about fair housing law.

The survey follows from HUD's *Year 2001 Annual Performance Plan*,²² which includes performance outcome indicators involving the strategic goal of ensuring equal opportunity in housing for all Americans. One such indicator is "an increase in the share of the population with adequate awareness of fair housing law." The presumption behind the use of such an indicator is that "public awareness of the law reduces discriminatory actions."²³ The logic here is that the more people know, the better they will be able to identify an action as discriminatory and protect themselves, or the less likely they will be to engage in discriminatory actions. Under such circumstances, therefore, it is considered prudent public policy for HUD to undertake activities that result in increased public awareness.

Since no national data for estimating the extent of awareness were previously available, the HUD plan called for a survey of the general public. Such a survey is meant to establish a baseline for tracking future changes (presumptively improvements) in awareness. It is also intended to help to assess the results of fair housing enforcement activities and public information campaigns—such as the National Education and Outreach Grants program—on public understanding of citizen rights and responsibilities under the law.

In the survey, ten brief scenarios involving decisions or actions taken by landlords, home sellers, real estate agents, or mortgage lenders were described to respondents.²⁴ Eight of the scenarios involve conduct that is illegal under federal fair housing law, and two of them involve conduct not covered by federal law. The latter were included to attempt to communicate to respondents that not all of the scenarios necessarily involve illegal actions (to avoid

20. The City of Eugene (Oregon) City Code 4.613, retrieved on June 15, 2001, from <http://www.efn.org/~fairhous/#sofhp>.

21. The survey was administered by telephone as part of the Survey of Consumers conducted by the University of Michigan's Survey Research Center, Institute for Social Research. See the appendixes for more details on the survey methodology and for the questionnaire.

22. *Fiscal Year 2001 Annual Performance Plan* (Washington, D.C.: U.S. Department of Housing and Urban Development, March 1, 2000), 76. This outcome indicator also appeared in HUD's *Fiscal Year 2000 Annual Performance Plan*, p. 62.

23. *Ibid.*

24. The questions were intended to cover the public's awareness of relatively fundamental and enduring aspects of fair housing law. Such a focus on core issues is appropriate where the intention is to establish a solid baseline and then to measure subsequent change over the years.

a response set²⁵) and, as well, to determine if the public could distinguish between actions and classes of persons covered by the law and those that are not. Respondents were asked if they approved or disapproved of the decisions or actions, independent of what the law says, and then whether they believed them to be legal under federal law. In addition, they were asked how they would vote on a community referendum that either permitted homeowners to refuse to sell their homes because of a prospective buyer's race, religion, or nationality, or prohibited owners from refusing to sell because of those factors. Finally, respondents were asked if they believed they had ever been discriminated against when renting or purchasing housing and, if so, what they did about it or, alternatively, what they would likely do if they believed they were experiencing discrimination.

The ten scenarios and the survey findings are presented below. The findings encompass the public's awareness of federal fair housing law, general predilection toward such law as measured by the local referendum question, and response to perceived or potential discrimination—including its inclination to file fair housing complaints.

The Ten Scenarios

The scenarios are discussed from the perspective of the legality of the behavior they describe. As indicated above, following the presentation of each scenario, respondents were asked two questions. Regardless of what the law says, did they think the illustrated decision or action by a landlord, home seller, real estate agent, or mortgage lender should have been taken? In addition, did they know if that conduct was currently permissible under federal law?

Scenario 1: *An apartment building owner who rents to people of all age groups decides that families with younger children can only rent in one particular building, and not in others, because younger children tend to make lots of noise and may bother other tenants.*

This is not lawful. Notwithstanding the rationale presented for differential treatment of families with children—that children make noise and may bother other tenants—federal law does not permit such actions in most apartment settings. The owner in this scenario rents to people of all age groups and, therefore, the apartment complex is not restricted to seniors only. Based on current federal law, landlords may not, under these circumstances, treat families with children under the age of 18 different from others, either with respect to building assignment or in any other way.

Scenario 2: *In checking references on an application for a vacant apartment, an apartment building owner learns that an applicant does not have the best housekeeping habits; he does not always keep his current apartment neat or clean. The owner does not want to rent to such a person.*

As presented, this is lawful. The building owner is not making a decision about a prospective tenant based on any factor other than information about housekeeping habits

25. This is where preceding questions asked in a survey, and responses made to them, influence how respondents answer subsequent questions—because, for example, they sense a pattern or strive for consistency.

obtained during a reference check. There is no appearance of discrimination based on the applicant's race, religion, nationality, familial status, or disability. Persons with bad house-keeping habits are not protected under federal fair housing law and, therefore, the landlord's decision not to rent to such persons is legal.

Scenario 3: *An apartment building owner is renting to a tenant who uses a wheelchair. The building is old and does not have a wheelchair ramp, and the tenant wants a small wooden ramp constructed at the building door to more easily access the building. He asks the owner if it is okay to build the ramp. The tenant says he will pay all the costs, and agrees to have the ramp removed at his own expense when he leaves. The owner, however, believes such a ramp will not look good on his building, and decides he does not want it constructed on his property.*

It is not legal for an owner to prohibit a wheelchair ramp from being constructed on the property. A landlord may not refuse to let a renter make reasonable modifications to the housing unit or common use areas at the disabled person's expense if such modifications are necessary for a person with disability to use the housing. Where reasonable, a landlord may permit changes only if the individual agrees to restore the property to its original condition when he or she moves. As well, a landlord may not refuse to make reasonable accommodation in rules, policies, practices, or services if such accommodation is necessary for a disabled person to use the housing.

Scenario 4: *An apartment building owner places a notice on a community bulletin board to find a tenant for a vacant apartment. This notice says, "Christians preferred."*

It is not lawful for an owner to advertise a preference based on religion. In fact, it is illegal to advertise or make any statement that indicates a preference based on race, color, national origin, religion, sex, familial status, or disability.

Scenario 5: *In checking references on an application for a vacant apartment, an apartment building owner learns that the applicant has a history of mental illness. Although the applicant is not a danger to anyone, the owner does not want to rent to such a person.*

It is not legal for an owner to reject an applicant because of mental illness. However, housing does not have to be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs. The scenario clearly specifies that the person is not a danger to anyone.

Scenario 6: *An apartment building owner learns that an applicant for a vacant apartment has a different religion than all the other tenants in the building. Believing the other tenants would object, the owner does not want to rent to such a person.*

It is not legal for a landlord to reject or otherwise discriminate against an applicant based on religion. Even if a landlord believed other tenants would object, or that it would be somehow better for current or prospective tenants if the latter were rejected because of religion, it is against federal law to do so.

Scenario 7: *The next question involves a family selling their house through a real estate agent. They are white, and have only white neighbors. Some of the neighbors tell the family that, if a non-white person buys the house, there would be trouble for that buyer. Not wanting to make it difficult for a buyer, the family tells the real estate agent they will sell their house only to a white buyer.*

It is illegal for a family selling their house through a real estate agent or broker to restrict the sale of their house only to white buyers. The law exempts from this prohibition single-family housing sold without the services of real estate agent. However, because the family portrayed in the scenario is working with a real estate agent, the family cannot restrict the sale of their house because of race or other attributes, affiliations, or conditions, as stipulated in the Fair Housing Act.

Scenario 8: *A white family looking to buy a house goes to a real estate agent and asks about the availability of houses within their price range. Assuming the family would only want to buy in areas where white people live, the agent decides to show them only houses in all-white neighborhoods, even though there are many houses in their price range in other parts of the community.*

It is illegal for a real estate agent to restrict a client's housing search to neighborhoods of a certain racial composition. This type of behavior, typically called "steering," involves systematically showing minority homebuyers houses in neighborhoods different from those shown or recommended to comparable white homebuyers. Systematically steering minorities away from predominantly white neighborhoods—and vice versa—is a form of discrimination that limits housing and neighborhood choice and may play a role in perpetuating patterns of residential segregation.²⁶ The fact that, in this scenario, the family is white and is shown houses in white neighborhoods only (based on the decision of the real estate agent) does not change the effect of such practices nor make them any less a violation of the Fair Housing Act.

Scenario 9: *A black person applies to a bank for a home mortgage. He does not have a steady job or enough income to pay a monthly mortgage payment. When he did work, the job did not pay very much. Because of his lack of a steady job and insufficient income, the loan officer decided not to give this person a mortgage.*

It is legal for a loan officer to turn down an applicant because he or she lacks sufficient income to cover a monthly mortgage payment.²⁷ The scenario clearly states that the bank

26. Margery Austin Turner and Maris Mikelsons, "Patterns of Racial Steering in Four Metropolitan Areas," *Journal of Housing Economics* 2 (1992): 199–234.

27. The key point in this scenario involves the lack of sufficient income to cover a monthly mortgage payment. The Equal Credit Opportunity Act (ECOA) makes it unlawful for a creditor to discriminate against a person who may not have a steady job but receives welfare or other public assistance. Therefore, under ECOA, a mortgage lender may not deny an applicant a loan simply because he or she does not hold a steady job, but only if there is insufficient income to pay monthly expenses (bills) and housing expense. Also, although not relevant to this scenario, it may be illegal to deny a mortgage because of the lack of a steady job if the person applying is

denied the mortgage because of insufficient income and not because of race or other protected characteristics.

Scenario 10: *An Hispanic family goes to a bank to apply for a home mortgage. The family qualifies for a mortgage but, in that bank's experience, Hispanic borrowers have been less likely than others to repay their loans. For that reason, the loan officer requires that the family make a higher down payment than would be required of other borrowers before agreeing to give the mortgage.*

It is illegal to require a higher down payment from this otherwise qualified applicant than would be required of similarly qualified persons. While the loan officer appears to be making a business decision, federal law prohibits a lender from profiling an applicant based on race or color, national origin, religion, sex, familial status, or disability and, as a result, imposing differential terms or giving different treatment.

Public Awareness of the Law

These scenarios illustrate varied decisions and actions affecting different kinds of people, all of whom are involved in selling, buying, or renting housing. Two questions follow from the scenarios. First, in each instance, what percentage of the public can distinguish lawful from unlawful conduct? Second, how extensive is people's knowledge of the law?

Awareness, scenario-by-scenario. For the most part, more than one-half of the public is able to recognize discriminatory conduct when it is described to them.²⁸ In seven of the eight scenarios portraying illegal behavior by landlords, sellers, real estate agents, and mortgage lenders, the majority correctly identifies the conduct as illegal (Table 1). There is, however, considerable variation across the scenarios, with the size of the majority ranging from large to modest. In addition, there are two scenarios—one describing legal conduct, and the other illegal conduct—about which the public is generally uninformed.

More than 70 percent of the general public are aware that it is contrary to federal law for homeowners working through real estate agents to limit the sale of their homes to white buyers only, for landlords to exclude renters based on their religion, and for lenders to require higher down payments for persons of a certain ethnicity. With respect to these actions, therefore, public understanding is quite extensive—although clearly not universal. There is, however, somewhat less public awareness of other actions. For example, two-thirds of the public correctly believes that it is illegal to advertise a religious preference (e.g., “Christians preferred”) when attempting to rent an apartment. Fifty-seven and 56 percent, respectively, know that it is illegal for landlords to refuse to rent to persons with mental illness who are not a danger to anyone, or to deny a disabled renter's reasonable request to provide accommodations by constructing a wheelchair ramp on the rental property. Finally, 54 percent are

disabled and derives his or her household income from disability assistance or some other type of verifiable non-employment income.

28. Less than 1 percent of respondents answered “it depends” in response to the questions, and 3 percent or less did not answer the questions.

TABLE 1. Public Awareness of Fair Housing Law

Scenarios Involving Illegal Conduct	Response (in percents)			
	Gave the Correct Answer	Did Not Give the Correct Answer		Said "It Depends" or Gave No Answer
		Responded "Don't Know/Not Sure"	Gave the Incorrect Answer	
Differential treatment of families with children	38	44	16	2
Real estate search in white-only areas	54	29	13	4
Oppose construction of wheelchair ramp	56	30	12	2
Disapprove rental to person with mental illness*	57	31	10	3
Advertise "Christians preferred"	67	22	8	3
Charge higher fee due to ethnicity*	73	18	6	4
Disapprove rental to person of different religion	78	16	4	2
Restrict home sales to white buyers	81	12	4	3

* Percentages do not total to 100 due to rounding error.

aware that it is illegal for real estate agents to limit a home search to geographical areas based on racial composition.

With respect to federal law prohibiting discrimination in housing based on familial status, only a minority of the public, 38 percent, is aware that it is illegal to treat households with children differently from households without children (e.g., limiting families with children to a particular building). Conversely, three of every five persons do *not* know that such actions are illegal. Regarding this aspect of federal fair housing law, therefore, public awareness is relatively limited.²⁹

Respondents were faced with three choices when asked whether they considered an action that is, in fact, discriminatory—and therefore illegal under federal law—to be legal.³⁰ They could respond “no” (correctly), “yes” (incorrectly), or “do not know” (Table 1). Either of the last two responses, of course, indicates the respondent did not know the correct answer. In each instance, it should be noted, only a small proportion of the public actually gave an incorrect answer; a larger proportion professed they did not know if the conduct was legal. It is, therefore, uncertainty or ignorance more often than misinformation that accounts for the level of public unawareness of federal fair housing law.

As discussed above, the survey also asked about two situations that are not covered under federal fair housing law. In one instance, a majority of the public correctly identified as legal the action of a lender who refused a loan to an applicant with insufficient income

29. The fact that families with children as well as persons with disabilities were added to the list of Fair Housing Act protected classes in 1988, two decades following passage of the act, may help to explain the lower levels of public awareness of the protections afforded such persons.

30. In addition, less than 4 percent of respondents answered “it depends” or did not answer the questions.

and an unsteady job history. Even though in the scenario the borrower is black, it is clear that the lender's decision is strictly based on income and job history, not race. That is lawful.

Of interest, however, is the remarkable lack of knowledge about a landlord's right to reject an applicant based on personal housekeeping habits. Forty-two percent of the public believe it is illegal under federal law for a landlord to deny a rental to a person who "does not have the best housekeeping habits," and 37 percent are not certain. Combined, therefore, 79 percent of the public do not know that rejecting an applicant because of the quality of his or her housekeeping practices is not prohibited under federal law, so long as the landlord's determination is not otherwise discriminatory. This scenario gives no indication of any reason for the denial other than the applicant's housekeeping habits. It is especially noteworthy, therefore, that more people believe it is illegal to deny a rental to someone who has poor housekeeping habits than believe it is illegal to treat families with children differently—the latter, in fact, being contrary to the law.

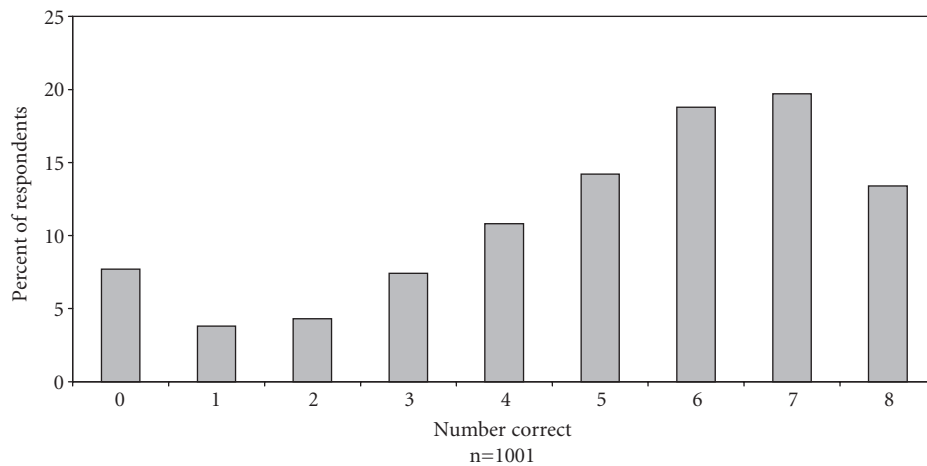
The extent of public awareness of the law. Another way to examine public awareness of fair housing law is to count the number of instances in which an individual correctly identifies actual discriminatory conduct as illegal. Since eight of the scenarios describe discriminatory conduct, the range of possible correct answers can be scored from zero to eight. Figure 1 shows the distribution of these scores.

Although some people do not give a single correct answer or answer just one or two of the eight questions correctly, only 23 percent of the public score two or less. The median score falls between five and six, indicating that about one-half of the public knows the law in six or more of the scenarios, and one-half correctly responds in five or fewer depictions. The modal score is seven. For analytic convenience, these scores are divided into three categories: "low" (two or fewer situations correctly identified), "medium" (three to five situations correctly identified), and "high" (six or more situations correctly identified). Table 2 compares the demographic and geographic attributes of those with different levels of awareness of fair housing law. There are some modest differences across income, education, age, and regional classifications, as follows:

- The extent of knowledge of fair housing law increases with higher income and education.
- People between the ages of 35 and 44 are more likely to have a high level of knowledge as compared with both older and younger persons. The fact that the generation of adults under the age of 35 is not as well informed on fair housing law as is the next older generation seems to contradict a notion, held by some fair housing specialists, that knowledge is increasing with each successive generation.³¹

31. HUD fair housing officials suggest that there are a number of historical factors, such as the civil unrest in many cities during the 1950s, '60s, and '70s, that could account for the greater knowledge of fair housing laws among those ages 36 to 64. They also note that a nationwide advertising campaign on fair housing in the mid-1980s had a greater impact on the older age group—as indicated by the large increase in the number of complaints HUD received for a period of time following that campaign, which would not have come from persons who had only recently graduated from high school.

FIGURE 1. Awareness of Fair Housing Law Score



- It appears as if persons residing in the Northeast are somewhat more likely to have a high level of knowledge than are those living in other regions, especially the Midwest, but such differences are not statistically significant.

Also noteworthy is the fact that there are no statistically significant differences in the extent of fair housing awareness by gender, housing tenure, and race/ethnic origin.

Public Attitudes toward the Law

Apart from what the public knows about fair housing law, there is the question of public attitude. Is there grassroots support for such law?

Two indicators of public attitude are examined. The first involves people’s opinions of the scenario-specific conduct of landlords, home sellers, real estate agents, or mortgage lenders. It measures the public’s agreement or disagreement with the discriminatory conduct portrayed in the scenarios. The second involves people’s positions with respect to a hypothetical local “open-housing” referendum in which a voter could choose to either permit or prohibit discrimination by homeowners in the sale of housing. These are discussed, in turn, below.

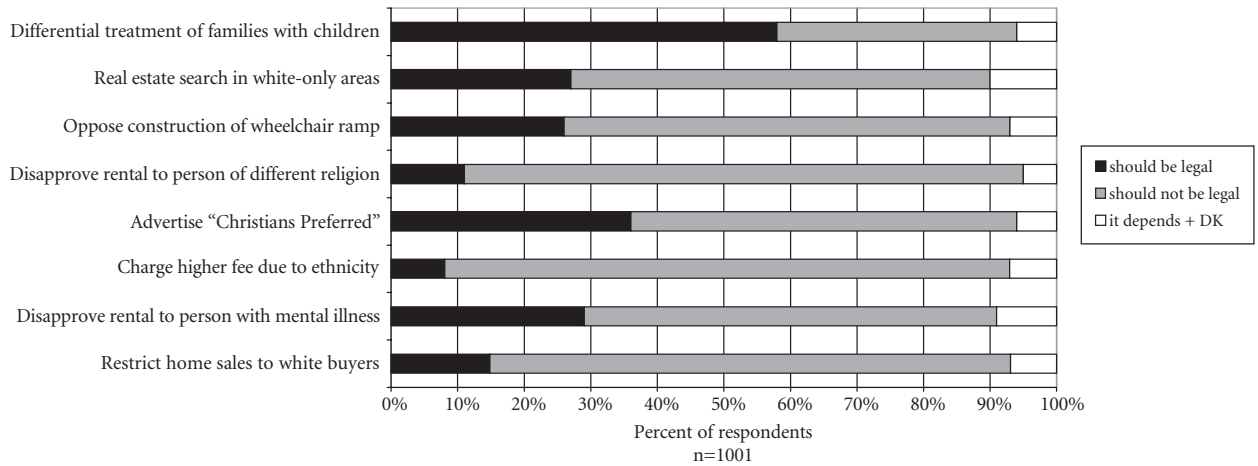
Attitudes, scenario-by-scenario. Asked for their opinions regarding the eight scenarios involving conduct that is, in fact, contrary to federal law, a majority of the public believes that landlords, sellers, real estate agents, and mortgage lenders should not have engaged in seven of the decisions or actions, but by varying degrees (Figure 2). For example, there is very consistent public opposition to a landlord limiting rentals based on religion, to a lender charging higher down payments based on the borrower’s ethnicity, and to a homeowner restricting the sale of his or her home based on race. At least four of every five adults disapprove of these actions. Smaller majorities disapprove of a landlord prohibiting the

TABLE 2. Awareness of Fair Housing Law, by Attributes

Attributes	Extent of Awareness (%)		
	Low (n=158)	Medium (n=324)	High (n=519)
Total	16%	33%	51%
Income*			
0–\$19,999	19	37	44
\$20,000–\$39,999	15	35	49
\$40,000–\$59,999	16	32	53
\$60,000–\$99,999	12	32	56
\$100,000+	13	27	60
Education*			
0–12 years	19	37	44
13–17 years, no college degree	12	33	55
13 or more years, college degree	13	30	57
Age*			
Less than 34	14	40	46
35–44	15	26	59
45–64	13	32	55
65+	23	33	44
Race/Ethnic Origin			
White	16	34	50
Black	17	27	56
Hispanic	17	24	59
Gender			
Male	18	33	49
Female	14	33	53
Housing Tenure			
Owner	18	31	51
Renter	10	38	52
Region			
Northeast	12	32	56
Midwest	19	33	46
South	18	31	51
West	13	37	50
Marital Status			
Married	16	31	53
Not married	16	36	48
Number of Children			
Zero	17	32	51
One	12	38	50
Two	15	34	51
Three or more	11	24	65

* p<.05.

FIGURE 2. Support for the Fair Housing Laws



construction of a wheelchair ramp, a real estate broker limiting a housing search to racially exclusive areas, a landlord refusing to rent to an applicant with mental illness, and a landlord advertising a religious preference. In these cases, about three in every five adults disagree with the actions.

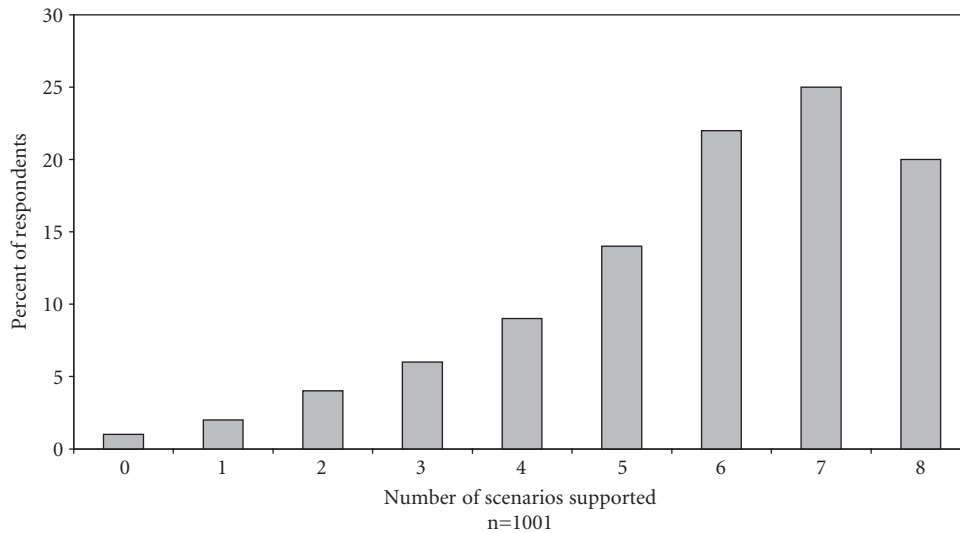
With respect to the scenario dealing with differential treatment of families with children, only a minority of the public disapproves of a landlord limiting such families to a particular building in a rental complex. Alternatively, a majority (59 percent) of the public agrees with that action.

The extent of opposition to discriminatory conduct. The number of instances in which people disagree with the discriminatory conduct in the various scenarios is an indication of the breadth of their support for fair housing protections. The more instances of opposition to the conduct there are, the more extensive is the support for those protections. Given that there are eight scenarios describing discriminatory conduct, people can be scored from zero to eight—with a score of eight signifying the most extensive amount of support.

Figure 3 displays the distribution of these scores. Two-thirds of the general public opposes discriminatory conduct in six or more cases, while 6 percent oppose it in only two or fewer cases. Based on this measure, it appears as if a solid majority of the public supports a wide range of fair housing protections.

For convenience, the scores can be divided into three categories: “low” (two or fewer instances of support for fair housing protections), “medium” (three to five instances of support), and “high” (six or more instances of support). Table 3 compares the demographic and geographic attributes of persons with different levels of support for fair housing protections. There are some differences, for example, by gender, family size, age, and income, with support somewhat more frequently expressed by very low income persons, individuals between 35 and 44 years of age, women, and persons in larger households. More notable, however, is the fact that such demographic and geographic distinctions are relatively modest, and that

FIGURE 3. Support for Fair Housing Laws Score



there is virtually no difference in the level of support for fair housing protections by education level or race/ethnicity. The extent of support for fair housing protections, therefore, generally cuts across the population.

Support for “open-housing” laws. A second indication of public attitude regarding fair housing law comes from responses to the following question:

- *Suppose there’s a community-wide vote on housing issues, and there are two possible laws to vote on. One law says that homeowners can decide for themselves whom to sell their house to, even if they prefer not to sell to people of a certain race, religion, or nationality. Another law says that homeowners cannot refuse to sell to someone because of their race, religion, or nationality. Which law would you vote for?*

The question is adapted from one used repeatedly since the 1970s as part of the General Social Survey (GSS) conducted by the National Opinion Research Center (NORC).³² The GSS question was, for a period of time, asked only of white respondents and focused on home sales to people of different races.³³ The question in the current survey, however, was

32. The GSS is a regular, ongoing omnibus personal interview survey of U.S. households initiated in 1972. It measures the trends in American attitudes, experiences, practices, and concerns. Over the past 30 years, the GSS has noted a dramatic increase in support for racial equality and integration, as well as a steady increase in support for civil liberties. See the GSS Web site, www.norc.uchicago.edu/gss/homepage.htm.

33. The NORC question is as follows: “Suppose there is a community-wide vote on the general housing issue. There are two possible laws to vote on. One law says that a homeowner can decide for himself whom to sell his house to, even if he prefers not to sell to (Negroes/Blacks/African Americans). The second law says that a homeowner cannot refuse to sell to someone because of his or her race or color. Which law would you vote for?”

TABLE 3. Support for Fair Housing Protections, by Attributes

Attributes	Extent of Support (%)		
	Low (n=56)	Medium (n=283)	High (n=662)
Total	6%	28%	66%
Income*			
0–\$19,999	6	24	71
\$20,000–\$39,999	7	33	60
\$40,000–\$59,999	3	28	68
\$60,000–\$99,999	3	31	66
\$100,000+	11	25	64
Education*			
0–12 years	6	29	66
13–17 years, no college degree	4	29	67
13 or more years, college degree	7	27	66
Age*			
Less than 34	5	26	69
35–44	1	25	74
45–64	7	31	62
65+	11	30	58
Race/Ethnic Origin			
White	6	29	66
Black	4	29	67
Hispanic	7	27	66
Gender			
Male	9	31	60
Female	3	26	71
Housing Tenure			
Owner	7	29	64
Renter	4	25	71
Region			
Northeast	6	23	70
Midwest	6	32	61
South	5	29	66
West	7	26	67
Marital Status			
Married	6	28	65
Not married	5	29	66
Number of Children			
Zero	8	31	61
One	4	25	72
Two	2	27	71
Three or more	3	17	80

* p<.05.

put to all respondents and covers sales to people of different religions and nationalities as well as races. It is intended to be an indicator of people's basic predisposition toward a core aspect of fair housing policy.

Approximately two-thirds of the public favor a law prohibiting homeowners from refusing to sell to someone on account of race, religion, or nationality, while 24 percent approve of allowing homeowners to decide for themselves, even if they prefer not to sell to someone on account of those factors (Figure 4). By comparing the public's preferences by demographic and geographic attributes, Table 4 reveals sources of support and opposition to an open-housing policy. Support for prohibitions on restricted sales increases somewhat with income and education and decreases with age. There are also gender and racial/ethnic differences, with women, blacks, and Hispanics somewhat more likely to endorse an open-housing law.

The share of the public that currently opposes an antidiscrimination law regarding home sales continues the secular trend documented by NORC from the early 1970s through the late 1990s (Table 5). There has been a steady decline in the proportion of white Americans who are willing to tolerate the restriction of home sales based on race—from a high of 60 percent at the beginning of that period to a low of 29 percent at the end. In other words, the rate has been cut in half over the last three decades. Based on the current survey, the share of the public approving of restricted sales practices—including those involving race—slowly continues to fall.

The Relationship between Awareness of and Attitude toward the Law

Having examined both what people know about the law and their attitudes toward it, the obvious question arises as to whether there is an association between the two issues. There are several ways to look at this relationship, including comparisons at the aggregate and individual levels. In addition, the concept of attitude can be extended to include people's pub-

FIGURE 4. Hypothetical Housing Referendum Preference

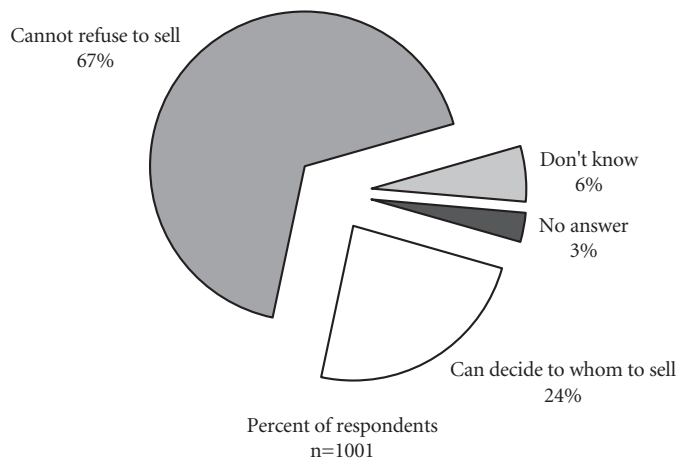


TABLE 4. Hypothetical Housing Referendum Preference, by Attributes

Attributes	Referendum Preference (%)		
	Can Decide to Whom to Sell (n=240)	Cannot Refuse to Sell (n=668)	Neither/DK/NA (n=93)
Total	24%	67%	9%
Income*			
0–\$19,999	23	62	15
\$20,001–\$39,999	27	64	9
\$40,000–\$59,999	27	68	4
\$60,000–\$99,999	21	75	4
\$100,000+	18	77	5
Education*			
0–12 years	23	63	14
13–17 years, no college degree	24	71	4
13 or more years, college degree	24	71	6
Age*			
Less than 34	19	74	6
35–44	22	72	6
45–64	26	69	5
65+	26	52	22
Race/Ethnic Origin*			
White	27	66	7
Black	14	77	9
Hispanic	11	75	14
Gender*			
Male	29	63	8
Female	19	71	10
Housing Tenure			
Owner	24	67	9
Renter	22	70	8
Region			
Northeast	19	72	9
Midwest	28	66	7
South	26	64	11
West	20	71	9
Marital Status			
Married	24	67	9
Not married	23	67	9
Number of Children*			
Zero	27	62	11
One	19	79	3
Two	17	74	9
Three or more	18	77	5

* p<.05.

TABLE 5. Surveys of Referendum Preferences

Referendum Preference*	GSS Survey Periods, 1972–96 (%) (White Respondents Only)						Public Awareness of Fair Housing Law Survey, 2000–01 (%)			
	'72–'82	'83–'87	'88–'91	'93	'94	'96	Race/Ethnic Origin			Total
							White	Black	Hispanic	
Can decide to whom to sell	60	46	38	30	32	29	27	12	5	24
Cannot refuse to sell	37	50	57	64	62	67	66	74	77	67
Neither (voluntary)	1	2	2	4	3	2	—	—	1	—
Don't know	2	2	2	2	2	1	4	13	9	6
No answer	—	—	1	—	1	1	3	—	8	3
Total	100	100	100	100	100	100	100	99**	100	100
Number of respondents	7,018	6,008	4,421	1,057	2,011	978	811	74	58	1,001

* The following GSS question was asked between 1972 and 1996: "Suppose there is a community-wide vote on the general housing issue. There are two possible laws to vote on. Which law would you vote for? One law says that a homeowner can decide for himself whom to sell his house to, even if he prefers not to sell to (Negroes/Blacks/African Americans). The second law says that a homeowner cannot refuse to sell to someone because of his or her race or color. Which law would you vote for?" The following Public Awareness of Fair Housing Law Survey question was asked in 2000/2001: "Suppose there's a community-wide vote on housing issues, and there are two possible laws to vote on. One law says that homeowners can decide for themselves whom to sell their house to, even if they prefer not to sell to people of a certain race, religion, or nationality. Another law says that homeowners cannot refuse to sell to someone because of their race, religion, or nationality. Which law would you vote for?"

** Percentage does not total to 100 due to rounding error.

lic policy preferences, such as whether they favor or oppose open-housing laws that prohibit discrimination in the sale of housing.

Aggregate-level comparisons of awareness and attitudes. Initially, it is useful to simply compare aggregate differences in the proportion of the population *opposing* illegal actions on the part of landlords, sellers, real estate agents, and lenders with the proportion *knowing* that the actions are illegal. Table 6 contrasts these proportions.

For five of the eight scenarios, the percentage of the population opposed to the conduct is larger than the percentage that knows the actions to be illegal, with the gap ranging from 5 to 11 percentage points. That is, there is more support than knowledge in those instances. This gap could likely be reduced with additional education about federal law, since that knowledge would be consistent with attitudes. In two cases the proportion opposing illegal actions and the proportion knowing they are illegal is about equal (2 percentage points or less). Only in the case of advertising a religious preference for a rental is there more public knowledge of the law than there is support for it.

Individual-level comparisons of awareness and attitudes. Another way to look at the relationship between attitudes and awareness is at the individual level. Does a person who knows about the law support it, and vice versa? Such a question is especially important when considering strategies for educating the general public about fair housing law. Table 7 illustrates four logical possibilities (labeled Groups A through D) with respect to the relationship between attitudes and awareness, and Table 8 shows the proportion of the general public in each group for the eight scenarios involving illegal conduct.

TABLE 6. Comparison of Awareness of and Attitudes about Illegal Conduct

Scenario	Awareness	Attitude
	Proportion Identifying Conduct As Illegal (%)	Proportion Disagreeing with the Conduct (%)
Differential treatment of families with children	38	36
Oppose construction of wheelchair ramp	56	67
Advertise “Christians preferred”	67	58
Disapprove rental to person with mental illness	57	62
Disapprove rental to person of different religion	78	84
Restrict home sale to white buyers	81	80
Real estate search in white-only areas	54	63
Charge higher fee due to ethnicity	73	84

(n=1001)

■ **Group A consists of those who both disapprove of an action and know it to be illegal.** Their opinions are, therefore, congruent with their knowledge of the law. For all of the scenarios except that which deals with an apartment owner’s differential treatment of families with children, a plurality of the public is in this category—although the size of the plurality varies by issue.³⁴ For example, 70 percent of the public believe a landlord should not deny a rental opportunity to an applicant whose religion differs from other renters, and know that doing so is illegal under federal law. A smaller proportion, 45 percent, believe landlords should not deny a renter’s request to construct a wheelchair ramp and know that the landlord’s refusal to do so contradicts federal law. In sharp contrast, however, only 17 percent of the public disapprove of a landlord’s decision to treat families with children differently, and know that such treatment is unlawful.

TABLE 7. Relationship between Attitudes about and Awareness of Fair Housing Protections

		Support for Fair Housing Protections	
		Nonsupport	Support
Awareness of Fair Housing Protections	Aware	Group D Knows about the law and disagrees with it	Group A Knows about and agrees with the law
	Unaware*	Group C Neither has knowledge of nor agrees with the law	Group B Agrees with the law, without knowledge of it

* Includes both persons who say the action is legal and those who say they do not know if it is legal.

34. In the case of an apartment owner deciding that families with younger children can only rent in one particular building and not in others, only 19 percent disapprove of the landlord’s decision and know that it is illegal. By contrast, a plurality (39 percent) agrees with the landlord’s decision while being uninformed about its illegality.

TABLE 8. Relationship between Awareness and Attitude Scores

		Extent of Support for Fair Housing Protections	
		Below Average	Above Average
Extent of Awareness of Fair Housing Protections	Above Average	Group D 13%	Group A 38%
	Below Average	Group C 21%	Group B 28%

- **Group B consists of those who disapprove of an illegal action or decision without knowing that the conduct is unlawful.** For example, 22 percent of the public fall in this category with regard to the denial of a wheelchair ramp; 10 percent are in this group when the issue involves advertising “Christians preferred” for an apartment.
- **Group C consists of those who approve of what are, in fact, discriminatory decisions or actions without knowing that such conduct is illegal.** For example, 39 percent of the public are in this category with regard to the assignment of families with children to a separate building; 4 percent are in this group when it comes to denial of a rental opportunity on account of an applicant’s religion.
- **Group D consists of those who know certain conduct to be illegal but approve of it nevertheless.** For example, 18 percent of the public are in this category with respect to advertising “Christians preferred” for an apartment, and 4 percent with respect to charging a higher mortgage fee due to an applicant’s ethnic origin.

Using the scores developed previously to capture the *extent* of people’s support for fair housing protections and awareness of fair housing law, Table 8 divides the general public into these four groups.

- **Group A, consisting of those with above-average levels of support and awareness, comprises 38 percent of the public.** The group’s attitudes and awareness are congruent, and both are consistent with federal law. From the perspective of fair housing education efforts, this group requires the least amount of attention, since such people are both relatively knowledgeable and supportive.
- **Group B, consisting of those who support many instances of fair housing protections notwithstanding their below-average level of fair housing law awareness, comprises 28 percent of the public.** Educational efforts about Fair Housing Act prohibitions that are directed at such people should be relatively straightforward, since these individuals are likely to be open and amenable to information that is consistent with their attitudes. Together, groups A and B constitute two-thirds of the public. Both are supportive of

many fair housing objectives, even though those in the latter group lack information about the terms of the law.

Fair housing education programs face different challenges concerning the remainder of the population.

- **Group C, consisting of those who approve of many instances of unlawful housing market conduct while generally being unaware that such conduct is unlawful, comprises approximately one-fifth of the public.** Whether disseminating information about the provisions of the Fair Housing Act to such persons will help to change attitudes is not known, but it is a reasonable educational strategy worth pursuing. The rationale would be that information might help to alter attitudes.
- That strategy seems inappropriate, however, for those in **Group D, comprising the remaining 13 percent of the public who approve of many instances of discriminatory conduct, notwithstanding their knowledge that much of that conduct is illegal.** From a fair housing education perspective, this may be the most challenging group to deal with, since a public awareness campaign stressing the illegality of certain actions is seemingly not the answer.

Support for open-housing laws. Since knowledge of and support for specific fair housing laws often go hand in hand, it can be hypothesized that the more one knows about fair housing law, the more likely one will be to favor public policies of nondiscrimination. Table 9 shows the relationship between the extent of a person’s fair housing knowledge and his or her support for legal restrictions to prevent discrimination in housing sales.

Three-fourths of those who know the most fair housing law favor prohibiting homeowners from refusing to sell their homes based on race, religion, or nationality, while only slightly over one-half of those who know the least fair housing law favor such a prohibition. The latter are somewhat more likely than others to favor permitting owners to restrict sales or are otherwise undecided (or nonresponsive) on the issue. The increased incidence of indecision and nonresponse as awareness decreases may suggest an apathetic as opposed to hostile position on open-housing policy among those who know less about fair housing law.³⁵

The Extent of Perceived Housing Discrimination, and Responses to It

However much people are aware of fair housing law, the question remains as to what difference it makes. How does knowing more do any good? Logically, it can be presumed that knowing about the law will make landlords, home sellers, real estate agents, mortgage lenders, or others less likely to violate it or, alternatively, make buyers or renters more likely

35. An alternative explanation is that such respondents may have been concerned about the social acceptability of saying they favored a policy allowing restricted sales and chose instead to say they did not know or not to respond at all.

TABLE 9. Awareness of Fair Housing Law and Support for Discrimination Restrictions

Referendum Preference	Extent of Awareness (%)		
	Low	Medium	High
Can decide to whom to sell	23	28	21
Cannot refuse to sell	51	64	75
Neither	—	1	—
Don't know	10	6	3
No answer	17	1	1
Total	101*	100	100
Number of respondents	158	324	519

* Percentage does not total to 100 due to rounding error.

to recognize discriminatory conduct, protect them against it, and obtain redress when it is experienced. If there is a connection between knowledge and discrimination, however, it needs to be demonstrated empirically.

Examining the relationship between public knowledge and housing discrimination requires, at minimum, concomitant measurement of the extent of actual discrimination and the level of public awareness of fair housing law over time. Such data are not currently available. In their absence, and to begin to answer the question about what difference fair housing awareness makes, the survey inquired as to whether respondents believed they had ever experienced housing discrimination and, if so, what they had done about it.³⁶ It also asked those who did not believe they had been discriminated against what they would do if they were to experience it. Therefore, it is possible to explore the association among people's awareness of fair housing law, their perception of having been discriminated against, and their actual or likely responses to experiencing discrimination.

Perceived discrimination. The survey was not designed to ascertain if respondents had ever discriminated against others, or to measure objectively whether they had ever suffered discrimination. Such information would require a different data collection method and protocol. The survey did ask respondents, however, if they *thought* they had ever been discriminated against when trying to buy or rent a house or apartment. While their judgments are clearly subjective, their responses are useful for exploring the presumed link between awareness of fair housing law and discriminatory actions. For awareness to reduce discriminatory actions, as HUD postulates, there should be some relationship between higher levels of awareness and actions people take, or might take, to protect themselves from discrimination.

The answer to the question of whether respondents had ever experienced discrimination was dependent upon each person's own and therefore subjective definition of "discrimination." As such, respondents were not given a definition of or criteria for identifying

36. The survey did not—indeed, could not—inquire about the incidence of discriminatory practices, if any, on the part of respondents.

housing discrimination other than the fact that the question followed in sequence the series of scenarios discussed above. Nor were they asked sufficient questions to ascertain the kinds of discrimination they believed they had experienced. The intention, instead, was to establish whether people perceived themselves to have been discriminated against (using their own definitions) and, if so, whether they had done anything about it.

The extent of perceived discrimination. Fourteen percent of the adult public, which translates into more than 28 million people, claim to have experienced some form of housing discrimination at one point or another in their lives (Table 10). Since these perceptions are subjective, of course, they cannot be validated using survey data. Nevertheless, such perceptions are real to those who express them.

African Americans and Hispanics are considerably more likely than whites to say they have suffered discrimination, as are current renters compared with owners—although it is not known if the discrimination involved renting. Discrimination is perceived more frequently by younger than older persons and by persons in households with children than by those without children. In addition, people who currently reside in the West are twice as likely to allege discrimination than are those who live in the Northeast—although, again, the specific location of the discrimination experience is not known.

The relationship between perceived discrimination and awareness of fair housing law. Persons who are highly aware of fair housing law are twice as likely as those with low awareness to believe they have suffered discrimination (Table 11). On one hand, their level of knowledge gives credence to the likelihood that the discrimination they perceive is, in fact, conduct forbidden by fair housing law. On the other hand, three of every four persons with a high level of awareness do *not* know that it is legal to reject rental applicants because of their housekeeping habits.³⁷ To the extent, then, that even individuals who are well informed about fair housing law misidentify some legal conduct as discriminatory, there is the possibility that their perception of discrimination may be stretched beyond its legal limits.

One thing is certain by definition, however. Persons who are highly knowledgeable about fair housing law are in a better position than are others to be able to identify or detect situations involving discrimination. This fact is consistent with HUD's perception that increased public awareness is likely to lead to reduced discrimination. The full logic of the connection between awareness and such an outcome, however, depends in part on how people respond when they experience discrimination.

Responses to perceived discrimination. Table 12 reports responses to both actual and hypothetical instances of housing discrimination. Of those who thought they had been discriminated against, 83 percent indicate they had done nothing about it, while 17 percent say they had done something. Among those with a high level of awareness of fair housing

37. Those with low levels of knowledge of fair housing law, it should be noted, are as likely as are those with high levels of knowledge not to know that the nation's fair housing law does not cover persons with poor housekeeping habits.

TABLE 10. Perceived Housing Discrimination, by Attribute

Attributes	Extent of Perceived Housing Discrimination (%)	
	Perceived Discrimination (n=145)	All Other Answers* (n=856)
Total	14%	86%
Income		
0–\$19,999	14	86
\$20,000–\$39,999	15	85
\$40,000–\$59,999	13	87
\$60,000–\$99,999	13	87
\$100,000+	15	85
Education		
0–12 years	12	88
13–17 years, no college degree	14	86
13 years or more years, college degree	16	84
Age*		
Less than 34	17	83
35–44	16	84
45–64	15	85
65+	7	93
Race/Ethnicity*		
White	13	87
Black	24	76
Hispanic	22	78
Gender		
Male	13	87
Female	15	85
Housing Tenure*		
Owner	12	88
Renter	20	80
Region*		
Northeast	9	91
Midwest	12	88
South	16	84
West	19	81
Marital Status		
Married	13	87
Not married	15	85
Number of Children		
Zero	12	88
One	18	82
Two	17	83
Three or more	17	83

* p<.05.

TABLE 11. Relationship between Awareness of Fair Housing Law and Perceived Discrimination

Ever Experience Discrimination?	Extent of Awareness (%)		
	Low	Medium	High
Perceived discrimination	8	11	18
No/Don't know/Not sure	92	89	82
Total	100	100	100
Number of respondents	158	324	519

law, however, 22 percent had done something, compared with only 8 percent of those with a low level of awareness. Hence, people with more knowledge are, in fact, over two-and-one-half times as likely to have done something than those with less knowledge. There is, therefore, some association between knowledge of the law, the (accurate or otherwise) discernment of discrimination, and attempts to do something about it. This is certainly at least one important factor in reducing discriminatory actions.

Why, however, did so many people who believe they had experienced discrimination do nothing about it? Many thought the effort was not worthwhile. Almost two of every five people in this situation believed there was no point to responding, that it would not have solved the problem or, in some instances, that it could have made the problem worse (Table 13). Three of every ten went somewhere else to rent or buy—in some cases because it was simply

TABLE 12. Responses to Housing Discrimination

Actual/Likely Responses to Discrimination	Those Who Believe They:	
	Had Experienced Discrimination* (%)	Had Not Experienced Discrimination** (%)
Did/would do nothing	83	21
Complained/would complain to person discriminating	6	17
Complained/would complain to someone else	—	4
Sought/would seek help from a fair housing group or other organization	3	11
Filed/would file a complaint with a government agency	1	14
Talked/would talk to a lawyer or file a lawsuit	1	18
Something else	5	5
Don't know/Not sure/No answer	1	10
Total	100	100
Number of respondents	145	857

* Respondents who believed they had been discriminated against when trying to buy or rent a house or apartment were asked, "What did you do about it? Did you complain to the person you thought was discriminating, did you complain to someone else, did you file a complaint with a government agency, did you file a lawsuit, did you seek help from a fair housing group or other organization, or what?"

** Respondents who believed they had not been discriminated against when trying to buy or rent a house or apartment were asked, "Suppose you believed you were being discriminated against when you went to buy or rent a house or apartment. What do you think you would do? Would you be likely to do nothing, complain to the person who was discriminating, complain to someone else, file a complaint with a government agency, talk to a lawyer, file a lawsuit, seek help from a fair housing group or other organization, or what?"

TABLE 13. Reasons for Lack of Response to Housing Discrimination

Why No Response?	Percentage of Respondents
Not worth time or effort	22
No point in complaining, wouldn't have helped/solved anything (including would have made things worse)	16
Didn't know what to do (including indecision due to young age)	14
Went somewhere else	12
Housing easier to find somewhere else	9
Wouldn't want to live near/rent from/purchase from the person discriminating	8
Discrimination was too subtle to prove	4
It costs too much to pursue	4
Thought landlord had "right" to personal opinion/rules	4
Personal mentions (including spouse's decision)	4
Discrimination was not that serious	3
Didn't know personal rights	3
Discrimination is common	2
Too much "red tape" involved	2
No equal housing laws at the time	2
No one to hear complaint	1
Didn't have enough money to qualify for renting/purchasing property	1
No reason	1
Didn't know	1
No answer	3
Total	116*
Number of respondents	120

* Total equals more than 100 percent because multiple responses were permitted.

easier or because they did not want to live near, or rent or purchase from, the person discriminating. Almost one in every five such people did not know what to do about the discrimination, to whom to complain, or what their rights were. Additional reasons for inaction include the subtlety of the discrimination, the costs and red tape associated with pursuing it, the fact that there were no equal housing laws at the time, belief that the discrimination was not serious or, in some cases, the view that landlords had a right to their opinions and rules.

When people who believe they are experiencing discrimination actually do something in response to it, what kinds of things do they do? About one-third of those who took action complained to the person they thought was perpetrating the discrimination. Another one-third were more aggressive in that they complained to or sought help from a fair housing group, another organization, a government agency, or the legal system, while the remainder did something else. The fact that most people either did nothing or otherwise only complained to the person thought to be discriminating suggests a much greater incidence of perceived housing discrimination among the general public than a tally of complaints by government agencies, fair housing groups, or the legal system would indicate.

Likely responses to supposed discrimination. Again, there is the question of whether public awareness makes any difference in all of this. The public's response to the possibility

of being confronted with housing discrimination provides one clue. Although only a small proportion of those sensing discrimination actually did something about it, 69 percent of those who had *not* experienced discrimination claimed they would take some action if, indeed, they were discriminated against³⁸ (Table 12). Equally important is the fact that, compared with the 17 percent who would complain directly to the person doing the discriminating, at least 47 percent maintain they would complain to or seek help from others, a government agency, a fair housing group, another type of organization, or the legal system. Here, also, there are differences based on knowledge of fair housing law. Over one-half (52 percent) of those with a high level of knowledge adopt a more assertive response, compared with one-third (34 percent) of those with a low level of knowledge (Table 14).

Notwithstanding the lessons from those who thought they had suffered discrimination (i.e., many did not actually respond to it), it can still be said that one of every two persons with a higher level of fair housing knowledge is amenable to taking remedial action. Assuming they believe they have reasonable prospects for success—which, apparently, is not widely presumed by those who conclude they have experienced discrimination—there is at least a predisposition among a good portion of the informed public to protect themselves against discriminatory conduct. Accordingly, the results of the survey not only suggest the value of continued promotion of fair housing literacy, but also the need to improve public confidence that there is satisfactory opportunity and means for remedying discriminatory behavior should it be experienced. This and other implications of the survey are discussed below.

IMPLICATIONS FOR FAIR HOUSING AWARENESS EDUCATION AND RESEARCH

Results from this first national survey of the public’s knowledge of and attitudes toward fair housing law have several implications for both fair housing education efforts and future research. The premise underlying programs that promote fair housing law awareness, as discussed above, is that increased awareness is a stepping-stone to reduced discrimination. The logic connecting the two, however, is neither simple nor straightforward. While the survey was not designed to prove the existence or extent of such a link, the evidence certainly does not contradict the presumption that there is *some* association among the public’s awareness of the law, its recognition of conduct perceived to contradict the law, and its willingness to respond to such conduct. In this respect, the survey’s results support the need for continued efforts to promote better public understanding of personal rights and responsibilities under the fair housing law.

It is particularly interesting that there are no especially large differences in the *level of awareness* of fair housing law across different demographic segments of the population. This suggests that, with the possible exception of younger persons, there is no obvious need to target one group over another for fair housing education purposes.

38. In turn, 21 percent say they would do nothing. Of course, it is not presumed that persons who say they would respond in a particular way if they “believed they were being discriminated against” would, in fact, do so—especially if the circumstances were neither as simple or clear-cut as the posed hypothetical.

TABLE 14. Relationship between Awareness of Fair Housing Law and Supposed Discrimination Response

Supposed Discrimination Response	Extent of Awareness (%)		
	Low	Medium	High
Do nothing	21	22	21
Complain to person discriminating	16	19	18
Complain to someone else	6	4	4
Seek help from a fair housing group or other organization	3	15	13
File a complaint with a government agency	8	12	17
Talk to a lawyer/file a lawsuit	17	20	18
Something else	7	3	5
Don't know/not sure/no answer	23	5	5
Total	101*	100	100
Number of respondents	158	324	519

* Percentage does not total to 100 due to rounding error.

There are, however, differences in knowledge of as well as support for the different provisions of fair housing law covered by the survey. For example, educational efforts to improve awareness of fair housing law as it pertains to persons with disabilities and to real estate search practices are indicated by the survey. Indeed, the most dramatic finding involves discrimination against families with children. Compared with other forms of housing discrimination (for which there is at least a majority that is informed and supportive of the law), a relatively small portion of the population conforms to existing law with regard to treatment of families with children. This finding not only suggests the need for more emphasis on the rights of such families, but also the need to raise the level of public understanding as to *why* differential treatment of families with children warrants legal protection.

The survey also suggests the need to structure different kinds of educational strategies depending on people's knowledge, attitudes, and the relationship between the two. For example, a quite different approach is required for those who oppose unlawful conduct without being aware that it is against the law than for those who support such conduct while knowing it to be illegal.

Now that the baseline survey is completed, additional research on the extent of public awareness is also necessary. It is important to assess whether the current level and type of effort being made to educate the public about fair housing law is producing the desired results. As anticipated by HUD's *Annual Performance Plan*, the survey will have to be repeated at future points—such as every two to three years—to measure the results of HUD's fair housing education efforts.³⁹ The lack of improved public awareness beyond what it was at baseline would warrant taking a hard look at the design and implementation of programs meant to increase awareness. The current strategy and expenditure for enhanced public education should, however, show results.

39. The Office of Management and Budget (OMB) has approved the questionnaire used for this baseline survey for a second administration of the instrument. This approval extends through October 31, 2003.

Aside from the link between the public's awareness level and claims of having experienced housing discrimination, a somewhat unanticipated finding from the survey involves the gap between apparent public willingness to respond to those who discriminate and the actions that have actually been taken by those who perceive themselves to have suffered discrimination. Clearly, something needs to be done to raise the level of public knowledge about the complaint and enforcement process, and to encourage greater trust in the efficacy of that system. It is not clear, however, what to recommend. At minimum, some additional study seems warranted to understand better why so few people who believe they have suffered discrimination have done nothing about it or lack confidence in the enforcement system. The explanation given by many in the survey—that it is not worth it—needs to be explored further. What is it that people think is involved? Why is it that so little is expected from a system designed to provide adjudication or remedy? Moreover, what does the public need to know that will motivate it toward a more assertive response? If awareness is to lead to a reduction in discrimination, it will be manifested partly through individuals acting to affirm their rights.

Finally, given the high incidence of perceived housing discrimination revealed by the survey, it is worth considering how better to measure and monitor the incidence of perceived discrimination over time. Are things getting better or getting worse from the public's perspective? It would also be interesting to see how the public's definition of housing discrimination compares with the terms of the Fair Housing Act. The fact that so many people believe it is illegal for a landlord to reject an applicant because of housekeeping habits certainly suggests a broader view of discrimination than that proscribed by federal law. Yet, the fact that so few people believe that treating families with children differently is legal suggests a narrower view. Thus, alongside objective assessment and tracking of the frequency of discriminatory actions by landlords, home sellers, real estate agents, mortgage lenders, or others, it would be helpful to learn if the public perceives more or less discrimination in the housing market over time.

SURVEY QUESTIONNAIRE

Section BA: Public Awareness of Fair Housing Law

BA0. EXACT TIME NOW: _____
 (Next,) I'm going to tell you about several decisions made by owners of rental apartment buildings. For each decision, I'd like your opinion about whether the owner should or should not be allowed to make that decision. I'd also like to know whether you think the decision is legal or not legal under current federal law. If you're not sure, just say so.

BA1. An apartment building owner who rents to people of all age groups decides that families with younger children can only rent in one particular building, and not in others, because younger children tend to make lots of noise and may bother other tenants.

BA1a. Regardless of what the law says, do you think the apartment building owner should be able to assign families with younger children to one particular building?

1. YES

3. (VOLUNTEER) :
IT DEPENDS

5. NO

8. DON'T KNOW/
NOT SURE

BA1b. Under federal law, is it currently legal for an apartment building owner to assign families with younger children to one particular building?

1. YES

3. (VOLUNTEER) :
IT DEPENDS

5. NO

8. DON'T KNOW/
NOT SURE

BA2. Here's another situation. In checking references on an application for a vacant apartment, an apartment building owner learns that an applicant does not have the best housekeeping habits; he does not always keep his current apartment neat or clean. The owner does not want to rent to such a person.

BA2a. Regardless of what the law says, do you think the apartment building owner should be able to reject this applicant because of his housekeeping habits?

1. YES

**3. (VOLUNTEER) :
IT DEPENDS**

5. NO

**8. DON'T KNOW/
NOT SURE**

BA2b. Under federal law, is it currently legal for an apartment building owner to reject the applicant because of housekeeping habits?

1. YES

**3. (VOLUNTEER) :
IT DEPENDS**

5. NO

**8. DON'T KNOW/
NOT SURE**

BA3. An apartment building owner is renting to a tenant who uses a wheelchair. The building is old and does not have a wheelchair ramp, and the tenant wants a small wooden ramp constructed at the building door to more easily access the building. He asks the owner if it is okay to build the ramp. The tenant says he will pay all the costs, and agrees to have the ramp removed at his own expense when he leaves. The owner, however, believes such a ramp will not look good on his building, and decides he does not want it constructed on his property.

BA3a. Regardless of what the law says, do you think the apartment building owner should be able to decide not to allow a wheelchair ramp to be constructed on the owner's property?

1. YES

**3. (VOLUNTEER) :
IT DEPENDS**

5. NO

**8. DON'T KNOW/
NOT SURE**

BA3b. Under federal law, is it currently legal for an apartment building owner to decide not to allow a wheelchair ramp to be constructed on the owner's property?

1. YES

**3. (VOLUNTEER) :
IT DEPENDS**

5. NO

**8. DON'T KNOW/
NOT SURE**

BA4. An apartment building owner places a notice on a community bulletin board to find a tenant for a vacant apartment. The notice says "Christians preferred."

BA4a. Regardless of what the law says, do you think the apartment building owner should be able to advertise an available apartment using the phrase “Christians preferred?”

1. YES	3. (VOLUNTEER) : IT DEPENDS	5. NO	8. DON'T KNOW/ NOT SURE
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BA4b. Under federal law, is it currently legal for an apartment building owner to indicate a preference based on religion in advertising an available apartment?

1. YES	3. (VOLUNTEER) : IT DEPENDS	5. NO	8. DON'T KNOW/ NOT SURE
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BA5. In checking references on an application for a vacant apartment, an apartment building owner learns that the applicant has a history of mental illness. Although the applicant is not a danger to anyone, the owner does not want to rent to such a person.

BA5a. Regardless of what the law says, do you think the apartment building owner should be able to reject this application because of the applicant’s mental illness?

1. YES	3. (VOLUNTEER) : IT DEPENDS	5. NO	8. DON'T KNOW/ NOT SURE
---------------	--	--------------	------------------------------------

BA5b. Under federal law, is it currently legal for an apartment building owner to reject this application because of the applicant’s mental illness?

1. YES	3. (VOLUNTEER) : IT DEPENDS	5. NO	8. DON'T KNOW/ NOT SURE
---------------	--	--------------	------------------------------------

BA6. An apartment building owner learns that an applicant for a vacant apartment has a different religion than all the other tenants in the building. Believing the other tenants would object, the owner does not want to rent to such a person.

BA6a. Regardless of what the law says, do you think the apartment building owner should be able to reject the application because of the applicant’s religion?

1. YES	3. (VOLUNTEER) : IT DEPENDS	5. NO	8. DON'T KNOW/ NOT SURE
---------------	--	--------------	------------------------------------

BA6b. Under federal law, is it currently legal for an apartment building owner to reject the application because of the applicant's religion?

1. YES

**3. (VOLUNTEER) :
IT DEPENDS**

5. NO

**8. DON'T KNOW/
NOT SURE**

BA7. The next question involves a family selling their house through a real estate agent. They are white, and have only white neighbors. Some of the neighbors tell the family that, if a non-white person buys the house, there would be trouble for that buyer. Not wanting to make it difficult for a buyer, the family tells the real estate agent they will sell their house only to a white buyer.

BA7a. Regardless of what the law says, do you think the family should be able to sell their house only to a white buyer?

1. YES

**3. (VOLUNTEER) :
IT DEPENDS**

5. NO

**8. DON'T KNOW/
NOT SURE**

BA7b. Under federal law, is it currently legal for the family to sell their house only to a white buyer?

1. YES

**3. (VOLUNTEER) :
IT DEPENDS**

5. NO

**8. DON'T KNOW/
NOT SURE**

BA8. Take another situation. A white family looking to buy a house goes to a real estate agent and asks about the availability of houses within their price range. Assuming the family would only want to buy in areas where white people live, the agent decides to show them only houses in all-white neighborhoods, even though there are many houses in their price range in other parts of the community.

BA8a. Regardless of what the law says, should the real estate agent be able to decide to focus the home search on all-white areas?

1. YES

**3. (VOLUNTEER) :
IT DEPENDS**

5. NO

**8. DON'T KNOW/
NOT SURE**

BA8b. Under federal law, is it currently legal for a real estate agent to decide to focus the home search on all-white areas?

1. YES	3. (VOLUNTEER) : IT DEPENDS	5. NO	8. DON'T KNOW/ NOT SURE
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BA9. Here's another situation. A Black person applies to a bank for a home mortgage. He does not have a steady job or enough income to pay a monthly mortgage payment. When he did work, the job did not pay very much. Because of his lack of a steady job and insufficient income, the loan officer decides not to give this person a mortgage.

BA9a. Regardless of what the law says, do you think the loan officer should be able to turn down the Black applicant because of the applicant's lack of steady job and income?

1. YES	3. (VOLUNTEER) : IT DEPENDS	5. NO	8. DON'T KNOW/ NOT SURE
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BA9b. Under federal law, is it currently legal for the loan officer to turn down the Black applicant because of the applicant's lack of steady job and income?

1. YES	3. (VOLUNTEER) : IT DEPENDS	5. NO	8. DON'T KNOW/ NOT SURE
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BA10. An Hispanic family goes to a bank to apply for a home mortgage. The family qualifies for a mortgage but, in that bank's experience, Hispanic borrowers have been less likely than others to repay their loans. For that reason, the loan officer requires that the family make a higher down payment than would be required of other borrowers before agreeing to give the mortgage.

BA10a. Regardless of what the law says, do you think the loan officer should be able to require higher down payments by Hispanic families in order to get a mortgage?

1. YES	3. (VOLUNTEER) : IT DEPENDS	5. NO	8. DON'T KNOW/ NOT SURE
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BA10b. Under federal law, is it currently legal for the loan officer to require higher down payments from Hispanic families in order to get a mortgage?

1. YES	3. (VOLUNTEER) : IT DEPENDS	5. NO	8. DON'T KNOW/ NOT SURE
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BA11. Do you think you have ever been discriminated against when you were trying to buy or rent a house or apartment?

1. YES	5. NO	6. (VOLUNTEER) : HAVE NOT TRIED TO BUY OR RENT A HOUSE OR APT.	8. DON'T KNOW/ NOT SURE
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GO TO BA13

BA11a. Did you do anything about it?

1. YES	5. NO	8. DON'T KNOW/ NOT SURE
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GO TO BA11B

GO TO BA12

GO TO BA13

BA11b. What did you do about it? Did you complain to the person you thought was discriminating, did you complain to someone else, did you file a complaint with a government agency, did you file suit, did you seek help from a fair housing group or other organization, or what?

1. COMPLAIN TO THE PERSON WHO WAS DISCRIMINATING	2. COMPLAIN TO SOMEONE ELSE
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3. FILE A COMPLAINT	4. FILE A LAWSUIT	5. SOUGHT HELP FROM A FAIR HOUSING GROUP OR OTHER ORGANIZATION
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97. SOMETHING ELSE: _____	98. DON'T KNOW/ NOT SURE
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GO TO BA14

BA12. Why did you not do anything about it?

BA13. Suppose you believed you were being discriminated against when you went to buy or rent a house or apartment. What do you think you would do? Would you be likely to do nothing, complain to the person who was discriminating, complain to someone else, file a complaint with a government agency, talk to a lawyer, file a lawsuit, seek help from a fair housing group or other organization, or what?

1. DO NOTHING	2. COMPLAIN TO THE PERSON WHO WAS DISCRIMINATING	3. COMPLAIN TO SOMEONE ELSE
4. FILE A COMPLAINT WITH A GOVERNMENT AGENCY	5. TALK TO A LAWYER	6. FILE A LAWSUIT
7. SEEK HELP FROM A FAIR HOUSING GROUP OR OTHER ORGANIZATION		
97. SOMETHING ELSE: _____		98. DON'T KNOW/ NOT SURE

BA14. Suppose there's a community-wide vote on housing issues, and there are two possible laws to vote on. One law says that homeowners can decide for themselves whom to sell their house to, even if they prefer not to sell to people of a certain race, religion, or nationality. Another law says that homeowners cannot refuse to sell to someone because of their race, religion, or nationality. Which law would you vote for?

1. CAN DECIDE TO WHOM TO SELL	3. (VOLUNTEER) : NEITHER/IT DEPENDS	5. CANNOT REFUSE	8. DON'T KNOW/ NOT SURE
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NOTES ON THE SURVEY AND SAMPLE METHODOLOGY

A structured telephone survey was used to collect the data presented and analyzed in this report. This appendix provides an overview of the survey, questionnaire design, and sampling method.

Survey. Questions about fair housing awareness were added to two consecutive monthly installments of the University of Michigan Survey Research Center’s Survey of Consumers—a nationally representative survey of adults living in the United States. Extensively quoted and used by senior government officials and others, the survey serves as a primary barometer of changing consumer confidence in the health of the U.S. economy. In addition to standard questions related to consumer confidence, however, the survey includes questions on a wide variety of other topics—which change from month to month.

For each month of new data collection, 500 adult men and women living in households in the coterminous United States (48 states plus the District of Columbia) are randomly selected and interviewed by telephone. Of this total, 300 respondents are newly selected via random digit dial each month, and 200 are persons who had been interviewed six months earlier—also having been selected by random digit dial methods.

Questions dealing with fair housing were added to the December 2000 and January 2001 surveys. The former involved 500 respondents, and the latter involved 501 respondents.

Questionnaire design. The questionnaire, reprinted in Appendix A, was designed by the Urban Institute to assess the extent of public knowledge and opinion about fair housing law. To do so, 10 scenarios were presented to respondents. These consisted of actions or decisions by landlords, sellers, real estate agents, and lenders—8 of which involved conduct that is illegal under federal law. Respondents were asked if they approved or disapproved of each such action or decision and whether they thought it was legal or illegal. As described in the report, the 10 scenario-based questions focused on:

- The provision of different rental housing options on account of family status;

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- A failure to provide reasonable accommodations for physical disability;
 - The refusal to rent to persons based on mental disability;
 - The refusal to rent to persons based on religion;
 - The refusal to sell based on race;
 - The limitation of sales information by real estate brokers; and,
 - The requirement of different mortgage terms on account of national origin.

Also as discussed in the report, two additional scenarios were included to avoid the appearance (to respondents) that all of the scenarios being presented to them were inappropriate or illegal and to avoid a response set.¹ One such question was asked early on in the question sequence—as the second scenario. These two scenarios deal with the appropriateness and legality of:

- Renting to persons with poor housekeeping habits; and,
- Denying a mortgage based on insufficiency of income and assets.

Finally, the questionnaire contains items dealing with:

- Whether respondents believed they had ever suffered discrimination in the sale or rental of housing;
 - For those who believed they had, what they did about it;
 - For those who believed they had not, what they would likely do if they believed they were being discriminated against;
- Respondents' opinions about laws prohibiting discrimination in the sale of housing.

Questions about the appropriateness of landlord, seller, broker, and lender conduct, which preceded questions about their legality, were intended to serve two purposes. The first was to ease respondents into the fair housing literacy questions—asking for opinions about which there are no “correct” answers prior to asking factual, test-like questions for which there are correct answers—and was intended to help to avoid the appearance of challenging respondents' knowledge. Second, such questions were intended to examine whether and how respondents' personal opinions about the conduct are related to their knowledge of the legality of such actions. All questions were asked in the same sequence for each respondent.

Urban Institute staff pre-tested early versions of the questions in April and May 2000, and question wording was modified as a result. A revised questionnaire was then sent to HUD for submission to the Office of Management and Budget (OMB), which approves all federally funded surveys that involve public burden. Once approved by OMB, experienced

1. This is where preceding questions asked in a survey, and responses made to them, influence how respondents answer subsequent questions—because, for example, they sense a pattern or strive for consistency.

interviewers and supervisory personnel of the University of Michigan Survey Research Center conducted a final pre-test and then added the question module to the December 2000 and January 2001 surveys.

Sampling method.² The method used by the Survey Research Center to draw its monthly national probability samples is generally known as random digit dial (RDD) telephone sampling. The specific procedure employed is a one-stage, list-assisted design involving equal probability samples of telephone households in the contiguous United States (48 states and the District of Columbia).³ Probability methods are also used within each household to select one adult as the designated respondent. The commercially available list-assisted sampling frame consists of all “hundred series” that have at least one listed household number.⁴ Aggregating all directory-listed household telephone numbers to the hundred series level produces the frame. These “listed hundred series” form a subset of approximately 40 percent of the total possible hundred series that can be formed from all Area Code/Exchanges in the Bellcore system.

Each hundred series is associated with 100 possible phone numbers, which can be listed household, unlisted household, nonresidential, nonworking, or unassigned. Because of the way telephone numbers are assigned, a hundred series that has at least one listed household number is more likely to have other residential telephone numbers. Business numbers are often segregated in reserved hundred series and other hundred series are not used. While the incidence of working household numbers is about 22 percent in the set of all possible hundred series from the Bellcore Area Code/Exchanges, the incidence of working household numbers is about 50 percent in the set of listed hundred series.⁵

Household telephone samples fail to include the small proportion (possibly as low as 3 percent) of U.S. households that are not telephone subscribers. Past analysis suggests that nonsubscribers are disproportionately poor, live in rural areas, and are more likely to rent

2. This section is derived from Richard T. Curtin, *Appendix B: Surveys of Consumers* (Ann Arbor: University of Michigan Survey Research Center), and used with the author’s permission.

3. The GENESYS In-House Sampling System, a product of Marketing Systems Group, Fort Washington, PA., is widely used throughout the academic and government survey research community. It uses the Donnelly Quality Index Database (100 percent Phone File) as the basis for its RDD sampling frame along with auxiliary files, including the Bellcore file of valid area codes and exchanges.

4. Hundred series refers to the first eight digits of a phone number—the area code, exchange, and the first two digits of the remaining four numbers. One hundred possible phone numbers can be formed from each hundred series by adding the set of numbers “00” to “99” to create 10-digit phone numbers.

5. Curtin, *Appendix B*, notes that J. Connor and S. Heeringa (in their paper entitled “Evaluation of Two Cost Efficient RDD Designs,” presented at the annual meeting of the American Association for Public Opinion Research, St. Petersburg, FL, May 18–20, 1992) found that the coverage of a current (up to six months old) list-assisted frame is very high, approximately 96.5 percent. Noncoverage results from the addition of new hundred series after the creation of the frame and from hundred series that contain only unlisted household numbers. He also notes that investigations of the characteristics of households not covered by the national listed hundred series (by Connor and Heeringa as well as J. M. Brick, D. W. Kulp, A. Starer, and J. Waksberg in their article entitled “Bias in List-Assisted Telephone Samples,” *Public Opinion Quarterly* 59: 219–35) show that they do not differ significantly from covered households.

and live alone than the rest of the population. Studies of the bias that results from the exclusion of non-telephone subscribers indicate that it is not severe and probably is within the accuracy requirements for most, although not all, survey research projects.⁶

Sampling errors for survey-based estimates are a function of both the statistical characteristics of the estimator in question and the number of sample cases on which the estimate is based. In a complex sample such as that used for the Consumers Survey, “design effects” due to the stratification and weighting of sample elements may also affect the sampling error of a particular survey statistic. The one-stage, list-assisted RDD sample design is unclustered, therefore there is no design effect due to clustering. Since, however, not all selected respondents agree to participate in a survey, nonresponse errors are also present. In addition, factors such as question wording and the ability of respondents to recall factual details and articulate answers and opinions can also affect the accuracy of survey findings.

Data set preparation, analysis, and report preparation. The University of Michigan Survey Research Center compiled and prepared a data set following completion of the two monthly surveys. The Urban Institute analyzed the data and prepared this report.

6. Robert M. Groves and Robert L. Kahn, *Surveys by Telephone: A National Comparison with Personal Interviews* (New York: Academic Press, 1979).

