

NMHC/NAA Viewpoint

Fair housing testing programs and practices can be unreliable measures of compliance in the apartment industry. In many cases, they are ineffective, inefficient and unfair to the property owner. In an effort to root out discrimination, testing programs can be more effective if they're limited to complaint-based targets and more emphasis is placed on education.

The federal government provides \$30 million in funding to support private fair housing testing.

FAIR HOUSING: DISCRIMINATION TESTING

The Fair Housing Act makes it unlawful to discriminate in the sale, rental advertising or financing of most housing based on race, color, religion, sex, handicap, familial status or national origin. Testing for compliance with the act is a common tool used by federal, state and local enforcement agencies to identify and remedy housing discrimination practices.

The federal government funds a range of investigative and enforcement activities as well as education and outreach services through the Fair Housing Initiatives Program (FHIP), which distributes funds to fair housing organizations and other private, nonprofits through a competitive grant program.

The tests are sometimes complaint based, meaning an actual complaint from someone who felt they were the victim of discrimination prompted the investigation. In other cases, private fair housing organizations conduct random tests to gauge a property's compliance with federal and state laws. In some cases, these tests also target a specific area of fair housing compliance, such as accessibility.

To better identify, correct and prevent housing discrimination, existing testing programs need additional resources and uniformity, as well as more emphasis on educational opportunities. In FY 2012, FHIP had \$42.5 million to fund three programs providing assistance for private enforcement, education and outreach and fair housing organizations.

Congress has introduced legislation to create and implement a national fair housing testing program and significantly increase funding for FHIP. The bill also includes a provision to require the U.S. Department of Housing and Urban Development to issue rules within 180 days of enactment to set minimum tester training standards. Congress should consider the efficiency and effectiveness of a testing program as they move forward.