

ADDING INSULT TO INJURY:
HOUSING DISCRIMINATION AGAINST
SURVIVORS OF DOMESTIC VIOLENCE

A REPORT BY THE
ANTI-DISCRIMINATION CENTER OF METRO NEW YORK

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Center Study Finds Significant Incidence of Discrimination Against Survivors of Domestic Violence

Under the New York City Human Rights Law, it is illegal for an employer to discriminate against anyone because that person is a survivor of domestic violence. It is also illegal for the employer to refuse to make reasonable accommodation to enable the survivor to meet the essential requisites of a job. In contrast, legislation that would impose the same obligations on housing providers has been blocked in the City Council and opposed by the Mayor.

Most victims of bias—even that which is prohibited by law—do not speak out. A 2002 study by the Urban Institute for the United States Department of Housing and Urban Development, for example, found that 83% of those who believed that they had been the victims of housing discrimination did not take any action.

In June and July of 2005, the Center conducted an investigation to determine whether or not any housing providers were discriminating against survivors merely because of the survivors' status. The procedure used was simple. A Center staff member, posing as a housing coordinator for a fictitious survivor-assistance organization, inquired about apartments that were advertised as being available in

Staten Island, Brooklyn, and Queens. The Center staffer first established that either the advertised unit was available, or, if not, that another unit was available.

The Center staffer made sufficient telephone inquiries to confirm that 40 separate housing providers (a combination of owners and brokers) did have a unit or units available. The staffer then continued the telephone inquiry by explaining that she worked for an organization that assisted survivors, and that the apartment would be for a survivor.

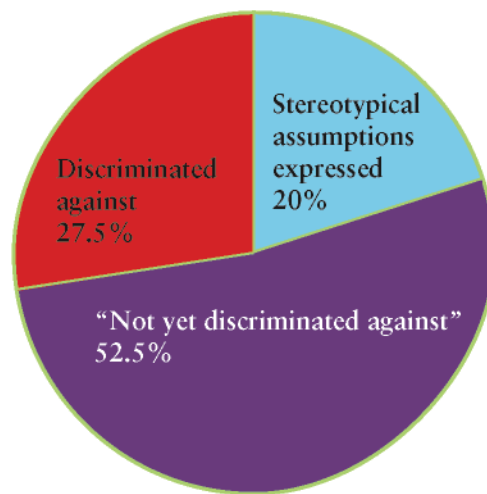
In each case, the Center followed the same scrupulous procedures as is its standard testing practice: not entering into the testing process with any preconceived notion of what the results would be; doing nothing to prompt or encourage the housing provider to engage in discriminatory behavior; and promptly generating a report about each contact that faithfully memorialized all that was said.

Among housing providers contacted who did have a vacancy or vacancies, what happened after they learned that the apartment would be for a survivor? 27.5% of them either flatly refused to rent, or failed to follow up as promised (*i.e.*, said they would get back to the “housing coordinator,” but then did not do so).

In yet another 20% of cases, housing providers voiced stereotypical concerns with questions and comments such as to the potential renter’s mental stability and concern for safety of the renter, other tenants, and the housing providers themselves.

One typical response from a landlord was, “We don’t want no husband to come and beat her up.” See the chart below.

Housing Discrimination Against Survivors of Domestic Violence



Source: 2005 Study by the Anti-Discrimination Center of Metro New York, Inc.

It is important to recognize two things about this study:

- the turn-downs or failures to deal were clearly not the result of any legitimate factor such as income or other qualification to rent. None of the discriminators made any inquiry about qualifications—all they were reacting to was the status of the prospective tenant; and
- the study by definition UNDERSTATES the extent of discrimination. The study design was limited to exploring the extent to which survivors get the door slammed in their face *on the first contact*. There are many more steps

along the road to renting an apartment where the apartment becomes ‘unavailable’ because of discrimination. Beyond the 27.5% of cases of “first instance” discrimination, and beyond the 20% of cases where qualms that would have likely blossomed into later discrimination, are those housing providers who initially concealed their biases. As with other kinds of cases we deal with, there is frequently an innocent-sounding excuse—like “someone else rented the apartment,” or “you don’t have enough savings”—which is actually just a pretext for discrimination.

In view of the foregoing, it is likely that the incidence of housing discrimination against survivors *purely on the basis of their status* is in excess of 50%. This does not even include those circumstances where housing providers would fail to make reasonable accommodation for a survivor (something not explored in the study, but something that housing providers, in opposing legislation to require reasonable accommodation, have made very clear they do not want to do).

The Anti-Discrimination Center of Metro New York, Inc. is a not-for-profit organization working, collaboratively and across disciplines, to prevent and remedy discrimination and expand civil rights protections in housing, employment, education and public accommodations through advocacy, litigation, education, outreach, research, and monitoring. The Center receives complaints of housing discrimination from the public by telephone at 212-346-7600, or by email at center@antibiaslaw.com. Its website is www.antibiaslaw.com.