

Study Finds Rental Housing Bias Falling but Still Frequent in Area

By Caroline E. Mayer
Washington Post Staff Writer

A new study shows blacks and Hispanics face discrimination more than two out of five times when they try to rent an apartment in the Washington area.

The greatest discrimination was found in the suburbs, where bias was reported nearly twice as often as in the District, according to a special audit to be released today by the Fair Housing Council of Greater Washington, a private, nonprofit housing advocacy group.

While African Americans and Hispanics encountered discrimination 28 percent of the time in the District, they experienced it in 49 percent of the rental inquiries they made in Maryland and 47 percent of the time in Virginia, the audit showed.

However, the study showed that in the District, Hispanics faced more discrimination than their black or white neighbors. One in three inquiries from Hispanic renters met some form of discrimination, while blacks were treated less favorably than whites in one in four visits.

The study was based on 163 controlled tests in which a minority applicant visited randomly selected rental properties. Within a couple of hours of the minority's visit, a white applicant, with comparable or sometimes even inferior financial credentials, inquired about apartments at the same site. In 42 percent of the visits, the whites were quoted lower rents, offered better specials—such as a month's free rent—or told about more apartments that were available to rent.

Despite the findings, the 42 percent rate of discrimination represents a significant drop from the last rental discrimination audit that was conducted by the Fair Housing Council in 1993. At that time, the council found that African Americans (the only group it tested at that time) were discriminated against 57 percent of the time.

"We are making progress, but frankly, even an average 42 percent rate of discrimination is unacceptable," said David Berenbaum, executive director of the Fair Housing Council. "Frankly, looking at the suburban numbers, there's clearly a lot of work to be done."

Berenbaum expressed particular concern at the high rate of discrimination that blacks faced in Fairfax County. They received less favorable treatment than whites in 71 percent of the inquiries they made. "This is an area that's very segregated; this needs to be worked on," Berenbaum said.

Fred Allen, director of Fairfax's Human Rights Commission, agreed.

The commission will be looking into these issues as a result of these tests to make sure these ordinances are being complied with, Allen said. "The number of cases we actually receive in this office are very few but I think housing discrimination is so subtle that not many people are even aware that they are even a victim. It takes a controlled test to weed it out."

See RENTERS, C11, Col. 3

RENTERS, From C8

In Montgomery County, blacks were treated less favorably than their white counterparts in 59 percent of their inquiries, in Alexandria, 50 percent, and in Prince George's County, 45 percent. African Americans encountered the least discrimination in Arlington—22 percent of the time—and the District—26 percent.

Although Fairfax rental properties ranked the highest for discrimination against blacks, they posted the best marks in their treatment of Hispanics, where only 20 percent were treated differently than whites. That compares to a 56 percent discrimination rate for Hispanics in Montgomery, 50 percent in Arlington, 36 percent in the District and 33 percent in both Alexandria and Prince George's.

The audit is part of the council's four-year project to monitor housing discrimination in the area. Later this year, the council plans to release studies on discrimination in home sales, against the disabled and against families with children in their search for affordable rental housing. As a result of these audits, Berenbaum said he expects the council will file at least 20 complaints either in court or at the Department of Housing and Urban Development.

The first two were filed two weeks ago at HUD. One was against a Falls Church real estate agent, Jane Fowler of Fowler and Friends Realty. The council's complaint alleged that Fowler made several "inappropriate comments" against minorities and steered testers away from homes owned by certain ethnic groups. Late last week, Fowler said she had not seen the complaint.

"I don't intend to speak about something I know nothing about," said Fowler, who added that it was "unconscionable" that the complaint be released to the public before she was notified.

The second complaint, also filed at HUD, was lodged against the Village at McNair Farms apartment complex in Herndon and the property management company that runs it, Town and Country Management Co. of Baltimore. The complaint alleged that a McNair Farms agent offered prospective white renters special discounts and a wider selection of apartments than she did to black renters. Town & Country Executive Vice President Michael Rosen said, "I have no comment, whatsoever."

The council's controlled tests were conducted between August and October last year; none of the rental units involved locations where there were any ongoing investigations or complaints of discrimination.

The minority testers were deliberately given higher incomes and better jobs than their white counterparts so that "if there was only one unit available, the minority would be the superior candidate," Berenbaum said.

But often that was not the case, he said. For instance, a Hispanic tester

who asked about a one-bedroom in a Northwest Washington was told there was only a room available and he was encouraged to look at another building that might have what he wanted. Less than an hour later, a white tester met with the same agent and was told about an efficiency in the same building. The white tester also was offered one month free rent if he signed a 12-month lease.

In Silver Spring, a black tester was told of only one apartment available in the complex she visited. She was also questioned about whether she made enough money to live there and was told she needed to provide proof of her income and that she now pays her rent on time. When a white tester visited 30 minutes later, she was told of two available apartments and was not questioned about her income or current landlord.

In Springfield, both a black and white tester were given similar information when they visited an apartment complex. A week later, however, the white tester received a phone call from the agent offering \$100 off the rent for the first three months. The black tester received no follow-up call.

FOR MORE INFORMATION
For the full text of the federal regulations prohibiting discrimination when renting or selling a home, click on the above symbol on the front page of The Post's site on the World Wide Web at <http://www.washingtonpost.com>

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PHOTOCOPY
PRESERVATION

sheriffs be forced to make background checks on gun buyers. "How many [gun] applications are filed and how much time of the deputies is required to deal with it?" she asked.

Stephen P. Halbrook, representing the sheriffs who opposed the law, referred to testimony about the number of hours a sheriff would have to spend on the task. O'Connor pressed for more details, even urging Halbrook to file additional information with the court's clerk.

But then Scalia interrupted, suggesting this was all beside the point.

"Well, do you think that that's determinative here, how extensive the incursion upon the officer's duties are?" Scalia asked.

"No, Justice Scalia," Halbrook said, clearly pleased that someone was coming to his defense.

"I mean, would the statute be constitutional as to those officers who didn't take a large proportion of their time?" Scalia asked, coaxing Halbrook to the argument that Congress lacked the authority to carry out the federal handgun control program.

"Not at all. . . . Not at all," Halbrook jumped in.

Interviewed later, Halbrook said that his thoughts at the time were, "I'm glad you asked that."

"Nothing he did threw me off," Halbrook said, "although I've seen some lawyers really thrown off. At the end, they look dizzy."

A week later, Scalia was active in a session on a Kansas law requiring sexually violent offenders to be institutionalized after they have served their criminal sentences. This time, he began answering the other justices' questions.

Justice Stephen G. Breyer asked the lawyer challenging the law how to separate people "who are crazy beyond a doubt" from someone "whom every psychiatrist would say there's nothing wrong with except he commits a lot of crimes." Breyer asked whether the lawyer thinks there ought to be a test of whether someone has an irresistible compulsion to commit crime.

Scalia interjected before the lawyer, Thomas J. Weilert, could answer. "I think your response is that we tried this test for criminal conviction and it turned out to be a mess," Scalia said. "Is there any reason it's likely to be better for psychiatric commitment? It's always possible to get somebody to come in with evidence on one or the other side of that irresistible compulsion rule."

"I believe that is correct, Justice Scalia and Justice Breyer," Weilert responded, possibly a bit flustered by it all.

But it is not only the high court

novices who Scalia goes after. On one recent occasion, he took on noted Harvard law professor Laurence H. Tribe, who is among the elite corps of private attorneys who regularly argue at the high court.

Last month, when Tribe was contending that New York's ban on physician-assisted suicide was unconstitutional, he and Scalia became locked in an exchange in which neither finished a full sentence without the other interrupting.

Scalia: "So you disagree, Mr. Tribe, if I understand it, with . . . [the argument] that it was not only rational but that there is a constitutional line between suicide of those who are at the threshold of death and the suicide of the young and healthy but despondent?"

Tribe: "No, Justice Scalia, I did not say . . ."

Scalia: "That's what I thought you were saying . . ."

Tribe: "Well, can I . . ."

Scalia: ". . . that it's irrational . . ."

Tribe: "No, Justice Scalia, it's not irrational . . ."

Scalia: "Tell me why. You're not . . ."

Tribe eventually got a chance to finish his answer.

But for all the terror he wreaks, Scalia is not the justice that most lawyers worry about when they go before the court. Attorneys tend to know where Scalia, a predictable conservative, will come out on the case. It's the more centrist justices, O'Connor and Anthony J. Kennedy, who command serious legal attention; the trick is to not get so flustered by Scalia that you stop thinking about these two critical swing votes.

"Justice Scalia may take up the time of three or four justices," said

Morrison, who has argued numerous times before the justices and regularly helps other lawyers prepare, "but he only has one vote. . . . I tell lawyers, you don't want to antagonize him, but you don't want to pitch your argument to him either—even though it would make the courtroom much more pleasant."

Of all the justices, the mild-mannered David H. Souter, who sits next to Scalia, appears willing to engage his fellow justice the most. During arguments in a recent Maryland case about whether police officers have a right to order passengers out of a stopped vehicle, the justices questioned whether a hard rule should exist that would require passengers to be detained.

Souter began a hypothetical query: "Let's assume that the bright line rule allowed nothing more than requiring the passenger to get out of the car so that if the passenger then said, 'I've had enough of this, I'm leaving,' the passenger, so far as the bright line rule is concerned, would be allowed to go."

Scalia interjected: "In fact, the passenger says, 'Thank goodness. This guy was speeding. I am so glad to get out of this car. Let me catch the nearest cab and go.' . . ."

Quipped Souter: "You can see what Justice Scalia's passengers tend to feel like."

FOR MORE INFORMATION

For an official bio of Scalia and the full text of all Supreme Court decisions this term, click on the above symbol on the front page of The Post's site on the World Wide Web at

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Where Bias Dwells

A HISPANIC applicant looking for a one-bedroom apartment in a Northwest Washington building was told there was only a two-bedroom available and encouraged to look at another building. Less than an hour later, a white applicant met with the same agent, was told about an efficiency in the same building and was offered one month's free rent if he signed a 12-month lease. That, unfortunately, is an insight into an unseemly side of life in the nation's capital on the eve of the 21st century.

Both applicants were testers monitoring rental discrimination in a special audit by the Fair Housing Council of Greater Washington. Their experience with blatant racial bias was not limited to the District. In fact, a far greater incidence of discrimination was found in the Maryland and Virginia suburbs. The audit, which is part of the council's four-year project to keep tabs on local housing bias, helps explain how area apartment dwellings acquired their apartheid-like aspect.

Fairfax County's rental properties led the region in discrimination against blacks. Testers there encountered racial discrimination against

blacks in 71 percent of the rental inquiries they made. Testers in Montgomery County found that blacks were treated less favorably than whites 59 percent of the time. Discrimination also haunts Hispanics. Hispanic applicants fared worse than blacks in Arlington County and in the District.

As bad as this is, the council notes that racial discrimination in apartment rentals has been worse. A 1993 audit of the area showed that African Americans were discriminated against 57 percent of the time. Today, blacks and Hispanics encounter bias more than two out of five times.

These findings suggest that 132 years after ratification of the 13th Amendment, which promised freedom, the ability of some Americans to buy what others buy or to dwell where others dwell depends not on the contents of their wallets but on the color of their skin. It shows the continued prevalence of racism. The need to vigorously enforce fair-housing laws is as urgent as when they were enacted. Working from its findings, the council has promised to file several complaints with the courts and federal authorities. As well it should.

AP Associated Press

AP v5179 rw 3exec Ruby Bridges,490

02-18 4:45p

By EUN-KYUNG KIM
Associated Press Writer

WASHINGTON - Federal marshals shielded Ruby Bridges-Hall from angry protesters opposing the integration of New Orleans public schools nearly 37 years ago as she made her way to a new classroom.

They surrounded her once again Tuesday, this time to listen to her talk about how she was thrust into the civil rights movement as a 6-year-old first grader.

Bridges-Hall forced the integration of William Frantz Elementary School on Nov. 14, 1960. The moment was frozen in history several years later in the Norman Rockwell painting, "The Problem We All Live With."

In the picture, a young girl wearing a starched white dress walks among federal marshals visible only to their shoulders. A racial epithet is sprawled upon the wall behind them; a splattered tomato rests at their feet.

Bridges-Hall held a replica of the painting while posing for pictures with two of the marshals who protected her that day, Charles Burks and Jesse Grider. All three were in town for a Black History Month event sponsored by the U.S. Marshals Service.

"Thirty-seven years ago I took on a job that circumstance and faith chose me to do," Bridges-Hall said. "That job was to improve the quality of education for all of our children. A very tall order for a 6-year-old."

Bridges-Hall recalled how angry parents shook their fingers at her as she waited in the principal's office before class. She also spoke about the confusion she experienced as she walked into a classroom left vacant by a boycott staged by the white students. She said her teacher was her only companion in class.

"For over a year, it was just her and I together, alone in the classroom," she said.

Burks said he remembers the day he escorted Bridges-Hall to school with pride and recalled the remarkable courage she displayed.

"She never cried, she never whimpered. She just marched along like a little soldier," he said.

Bridges-Hall credits her parents for her role in that historic day and praised their commitment to the advancement of civil rights.

"My parents must have experienced hell on earth, having to face that angry mob day after day, wondering whether or not I would even return home in the afternoon," said Bridges-Hall, now a mother of four.

"It would take a lot for me to say, 'Well, OK, I will subject my 5- or 6-year-old to what my parents did.'"

Bridges-Hall went back to Frantz Elementary two years ago in a role aimed at encouraging parent involvement. She said she spends much of her time teaching parents that education should not be limited to the classroom and calling for people to improve education for all children.

"If we are to make this world a better place for all of us, we must become mother and father to every child," she said. "We're all equally responsible for creating a decent and just society for our children."

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