A Study of Housing Discrimination Against Same-Sex Couples in Virginia

Housing Opportunities Made Equal of Virginia, Inc.
Executive Summary

Studies nationally and in other states show that lesbian, gay, bisexual, and transgender (LGBT) people experience discrimination based on their sexual orientation and/or gender identity at multiple stages of housing transactions. While such discrimination is currently legal in Virginia, 21 states and the District of Columbia prohibit housing discrimination based on sexual orientation and/or gender identity. Over the course of 2014 and 2015, HOME conducted a series of email tests of housing providers in the Richmond region to see if same-sex couples were treated differently than different-sex couples seeking the same housing opportunities.

HOME conducted 51 matched-pair email tests using a methodology similar to that used by the Department of Housing and Urban Development (HUD) in a study released in 2013.1 Matched tests allow comparison of treatment experienced by testers posing as home seekers. Two emails were sent to each apartment complex: one that suggested it was from a same-sex couple looking for housing and one that suggested it was from a different-sex couple. HOME then analyzed the frequency and content of the response received from housing providers.

When comparing only those tests in which both testers received a response, results indicate a 44 percent rate of negative differential treatment towards the same-sex couple. Differential treatment encompasses such things as inviting one tester to apply online and not mentioning an online application to the other tester, suggesting a specific time for an appointment to one tester and giving the other one the general hours the office is open, or giving one tester more information about availability and amenities than the other tester.

Such discouragement can amount to illegal housing discrimination when based on a protected class like race because those behaviors block housing opportunities based on irrelevant characteristics. Because sexual orientation and gender identity are also irrelevant to one’s ability to be a paying, respectful tenant, and because housing discrimination based on those characteristics is happening in Virginia, HOME believes Virginia should amend its fair housing laws to add sexual orientation and gender identity as protected classes.

Background

Title VIII of the Civil Rights Act of 1968, or the Fair Housing Act, protects people from housing discrimination based on race, color, religion, national origin, sex, familial status, or disability. In Virginia, elderliness is also protected. The basic principle of fair housing law in the United States is that housing opportunities should be available on an equal basis to all qualified home seekers.

Housing discrimination is largely under-reported. The National Fair Housing Alliance (NFHA) reports that in 2013, 27,352 housing discrimination complaints were filed. However, an estimated 4 million instances of housing discrimination occur every year. Housing discrimination is often difficult to detect, and people do not always know where to turn when they experience discrimination in housing.

Complaints to NFHA member organizations based on sexual orientation have been steadily increasing since NFHA started tracking them in 2011. In 2013, there were 268 complaints made to NFHA member organizations based on sexual orientation. There were also 27 complaints based on gender identity or expression.2 A report by the Kaiser Family Foundation in 2001 found that 11 percent of LGBTQ respondents had experienced housing discrimination because of their sexual orientation. Another 35 percent of respondents had not personally experienced housing discrimination but knew someone who had.3

In the past few years, three notable studies have investigated the rate of discrimination based on sexual orientation in the United States’ housing market. These studies have all used matched pair testing methodology.

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Fair housing advocates have long used testing as a method of uncovering discrimination in the housing market. Matched-pair testing involves “testers” - individuals who have been trained to pose as housing consumers - who are similar in every way except the characteristic that is to be tested. They each have an interaction with a housing provider, and their experiences are compared for differences in treatment which indicate a discriminatory practice.

In 2013, HUD released the first ever national study of housing discrimination against same-sex couples. This study used matched pair email testing to estimate discrimination against same-sex couples at the first stage of a housing search. In this study, different-sex couples were favored over gay male couples 15.9 percent of the time and over lesbian couples 15.6 percent of the time. The HUD study was modeled after similar email testing studies conducted in Sweden in 2008 and 2009 and Canada in 2011. All three previous studies found differences in response rates between different-sex couples and gay male couples, but no statistically significant difference in the response rates between different-sex couples and lesbian couples.

In 2014, the Equal Rights Center (ERC) released a study that examined discrimination against same-sex elderly couples. First, the ERC conducted a smaller-scale pilot study which included testing in the District of Columbia, Maryland, and Virginia. The pilot study used a proxy methodology in which testers posed as a family member seeking housing for an elderly family member and their spouse. The spouse was either the same sex or a different sex. These tests were conducted over the phone with elderly housing communities. In this pilot study, same-sex couples experienced differential treatment 60 percent of the time.

The ERC then conducted a larger-scale study across 10 states. In the second study, matched pairs of testers were seeking housing for themselves and their spouse, who was either the same sex or a different sex. In 48 percent of the 200 tests, the same-sex couple experienced at least one form of adverse, differential treatment. Differences in treatment included steering same-sex couples towards two-bedroom apartments when a one-bedroom was requested or providing different information about availability, rental prices, deposits and fees, amenities and specials, and the application process.

In 2007, four fair housing centers in Michigan conducted matched-pair, in-person tests of rental housing, homes for sale, and home financing options. Out of 120 total tests, 27 percent showed evidence of discrimination based on sexual orientation. In the few tests that used African-American testers, discrimination was more common. This suggests that home-seekers who are both African American and gay will have an even harder time than home-seekers who are white and gay.

There are LGBT couples and individuals in every locality of Virginia. Same-sex couples are raising children in almost every county in Virginia. Currently, it is legal in Virginia for any housing provider to deny these families housing because of their sexual orientation or gender identity. HOME has begun to receive more frequent complaints from Virginians who feel they have been denied housing because of their actual or perceived gender identity or sexual orientation. These characteristics have nothing to do with whether someone will be a good tenant, neighbor, or mortgagee. Housing decisions should not be made on the basis of sexual orientation or gender identity.

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4 2010 Census
Over the course of 2014, HOME tested housing providers in the Richmond, Virginia region (the city of Richmond, Henrico County, and Chesterfield County) to determine the extent to which LGBT homeseekers experience discrimination. HOME conducted three rounds of 10 matched pair tests each. During the summer of 2015 HOME conducted three more rounds of 10 tests each. Each round targeted housing providers in a different area of Virginia. The first was Prince William County, the second Loudoun County and the third the Hampton Roads area.

The methodology used is a replica of the methodology used by HUD in 2013, with a few adjustments. Matched-pair testing was completed to analyze the difference in treatment between same-sex couples and different-sex couples.

In all rounds the text and subject lines of the emails were similar to the text and subject lines used in the HUD study, as provided in the appendixes of the HUD report. The text of each email conveys that the sender is a part of either a same-sex or different-sex couple in search of a one-bedroom apartment. If it is a same-sex couple, the identifier “partner” is used, and a name of the same gender is given; for different-sex couples, the identifier “husband” or “wife” is used, and a name of the different gender is given. Every email inquires about availability and the opportunity to view an apartment. Below is an example of text from a matched pair of emails.

As learned from the Michigan study (2007), race can have an impact on treatment by landlords, which might confound treatment based on sexual orientation. Thus, we made an effort to use only first and last names that are identifiable as white. The first names used were the same as the ones used in the HUD study. Last names were selected from a list of the most common surnames in North America as listed in the 1990 and 2000 Census. Surnames with a racial composition of 75 percent white and higher were assigned to the tester profiles.

Each “couple” was assigned an email account. Email accounts were made similar to the name of the individual “sending” the email. Gmail, Outlook, Yahoo, AOL and Hotmail were used. Matched pairs never sent an email from the same account host. HOME’s director of fair housing and two fair housing specialists (test coordinators) designed the tests. Test administrators (also HOME staff) conducted the tests.

In Round 1, the target of the test was selected from Craigslist ads that indicated that the apartment advertised was located in the Richmond metro area. The test emails were sent directly through the ads on the site. The tester names used suggested that the emails were coming from either a man and his male partner or a man and his wife. The same-sex couple sent an email first, and the different-sex couple sent an email about 45 minutes later. A week after the initial email was sent the test administrator accessed each email account and printed off any responses from the housing provider. Two weeks after the initial email was sent, the test administrator accessed each email account and printed off any follow up responses from the housing provider. The test administrator then analyzed the responses using the analysis grid and returned the test file to the test coordinator. The test coordinator also analyzed the responses.

Analysis was based on nine elements, and each element had three scoring levels. This method of analysis was chosen so that the tone and nuance of the responses received from housing providers could be best captured and analyzed. The table on the next page describes the elements considered.

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Methodology

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Hello –
Your apartment seems to be what my partner, Mark, and I had in mind. Is it still available? We’d like to come by and view the apartment; could you contact me with an available time to do so?
Thanks, Joshua

Hello,
I am interested in your 1 bedroom apartment on Craigslist for me and my wife, Stephanie. Is it available? Is there a time we could come by and see it?
Thank you.
Brandon
Each initial email received was analyzed and scored for each element where level three is the best outcome and level one is the worst.

Any subsequent emails were collected, but the content was not analyzed. For any emails following the first response (if any) from the housing provider, all that was recorded was whether or not a “Follow-up contact” was received.

“Other differential treatment” is a catch-all for differences not otherwise captured. For example, if both couples were invited to schedule a tour, but one was given the office hours and the other was not. Or if both couples were told the unit was available, they could come in for a tour, how to apply, and that the agent was looking forward to working with them, but one was given the agent’s phone number in case of questions and the other was not.

After all elements were scored, the totals for each were tallied, and the difference between each element calculated. A score of one means no difference in treatment, less than one indicates a difference that favors the opposite sex couple, and more than one means a difference that favors the same-sex couple.

In Round 2, the target of the test was randomly selected from the magazine *Apartment Guide*. The test emails were sent via the method suggested on the complex’s websites. For some there was a direct email option, and for others a contact form was used. In the instances in which a phone number was required, the complex was not used and another one was selected. All complexes were large complexes (more than 10 units, corporately owned) located in the Richmond metro area. The rest of the test design was the same as in Round 1.
In Round 3, apartment complexes were selected from both forrent.com and Craigslist. The criteria for selection required them to have not been tested in Rounds 1 or 2, to have a direct email address rather than a contact form, to be a large complex, and be located in the Richmond metro area. The tester names used suggested that the emails were coming from either a woman and her female partner or a woman and her husband. The rest of the test design was the same as in Rounds 1 and 2.

In Rounds 4, 5 and 6 targets were selected from apartmentguide.com. The location was set for the desired locality and the first 10 targets which had either a contact form which did not require a phone number or a direct email were selected. Additionally, no two targets had the same property management company. In Rounds 4 and 5 the tester names suggested that the emails were coming from either a woman and her female partner or a woman and her husband. In Round 6 the tester names suggested that the emails were coming from a man and his male partner or a man and his wife. The rest of the test design was the same as in the previous rounds.

HOME successfully completed a total of 51 matched-pair tests. Nine tests were considered incomplete because of dysfunctional email accounts or because the same agent did not respond to both emails.

Thirty four of the total 51 tests were considered “comparable,” meaning that both test emails received a response from the same agent. Of those 34 tests, 44 percent included treatment that favored the different-sex couple.

Differential treatment was most likely to be shown in the “other differential treatment” category. Some examples of differential treatment include: addressing both members of the different-sex couple but only the one who sent the email for the same-sex couple; telling only the different-sex couple about a special; suggesting a specific appointment time to the different-sex couple but giving the same-sex couple the office hours; encouraging only the different-sex couple to start an online application and not mentioning it to the same-sex couple; giving the same information about availability but only asking the different-sex couple if they are interested; giving more information about pricing and availability to the different-sex couple; giving a contact number to the different-sex couple but not the same-sex couple; telling the different-sex couple that the office is open one hour later than what was told to the same-sex couple.11

In many cases differential treatment was extremely subtle, or in the case of how couples are addressed, seemingly innocuous. Nonetheless, these differences in treatment can amount to the housing market appearing to be more closed off for those in a same-sex relationship. When people encounter housing discrimination, they tend to experience longer housing searches, spend more money, and acquire less desirable housing. This makes obtaining and maintaining stable housing more expensive and more difficult for those who experience discrimination.12

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11 See Appendix A for full text of sample responses

The test design differed slightly between rounds for two important reasons. In the first round, a response was sent to both test emails in only four out of ten tests. In most cases it was the second email that did not get a response. In one test neither email received a response. This suggested to the test coordinator that responses to Craigslist ads are unreliable and spotty, regardless of the sexual orientation of the sender. So the test coordinator decided to intentionally send emails only to large housing providers who it seemed would be more likely to have a habit of responding to emails. In the rest of the rounds this methodology was implemented, and the number of responses increased.

The second variation was in the gender of the names used. In Rounds 1, 2, and 6 the gender of the person sending the email was represented to be male. In Round 3, 4 and 5 the gender was switched to female to see if gender had an effect on the response.

When analyzed based on gender, female couples experienced negative differential treatment 45% of the time while male couples experienced negative differential treatment 50% of the time. This is in line with the results of the HUD study which found that male couples experienced negative treatment more often than female couples.

A suggestion for future research includes randomizing which email is sent first. In the HUD methodology, a computer program randomized whether the same-sex couple or the different-sex couple sent the first email to the housing provider. In HOME’s, the same-sex couple always sent the first email. This could explain why the different-sex couples received fewer responses overall. Perhaps the housing providers only responded to the first email they received from someone expressing interest. In-person testing is also recommended, as that method can uncover even more discrimination.

Given the results of these tests, HOME feels that it is important to keep investigating. While the evidence of differential treatment is subtle at this point, the fact that it is there at this stage suggests that it could become more pronounced if a same-sex couple were to progress further through the rental process. These results show that 44 percent of the time, a person could be treated differently in an initial email just because of their sexual orientation.

As we move into an increasingly digital world, email is more and more likely to be the first and sometimes only form of contact between housing providers and prospective tenants. If an initial email contact is suggestive of an intent to discriminate, the housing market feels closed and inaccessible to a prospective renter. Forty-four percent is a huge hurdle to overcome, especially for individuals who are likely to face barriers in other life and employment situations.

Housing is a basic right and should not be made unavailable because of who you are or who you love. This research demonstrates that this right is being selectively taken away based on the sexual orientation of apartment seekers in the Commonwealth. Virginia has the power to stop it by passing legislation that includes sexual orientation and gender identity as protected classes under the Virginia Fair Housing Act. With these protections, housing providers would be on notice that they cannot treat residents differently because of their sexual orientation, gender identity or gender expression. Legal protections would also mean HOME could fully investigate cases of this kind of discrimination and bring justice for those who deserve it.

Housing should not be made unavailable because of who you are or who you love.
**NOTE: All responses are kept true to their originals in terms of content, spelling, and punctuation.**

**Appendix A**

**Same-Sex Couple Response**

**T3-a**
Feb 27, 2014 10:16am
Good Morning Michael,

Thank you for your Interest in our Beautiful Community of

Our apartments are available to show Monday thru Saturday 9-5 PM and 1-5 on Sundays. If you would like to call and set up an appointment to take a tour Please call (804)  

Thanks again and we look forward to seeing you soon.

Property Manager

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**Different-Sex Couple Response**

**T3-b**
Feb 27, 2014 11:23am
Good Morning Brian and Ashley,

Thank you for your interest in Our Beautiful Community of. I see you are interest in more information about our Apartment Homes and in particular a One Bedroom Apartment so could you please give us a call at (804) at your earliest convenience so that one of our experienced Leasing Agents can discuss a special we have that you might qualify for as well as your needs and our availability.

We look forward to speaking with you soon.

Thank you..

Property Manager

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**T6-a**
2/27/14 10:29am
Hello Nicholas-

Thank you for contacting me. We indeed have apartment homes available. We are here 7 days a week! M-Sat from 9:30am - 5:30pm & Sunday from 1pm -5pm. Let me know what works for you guys. Also, you must check out our community website, it's a great introduction to our scheduled tour.

I look forward to working with you and ultimately meeting your future home needs.

Truly,

Property Manager

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**T6-b**
Feb 27, 2014 3:25pm
Hello Matthew!

Thank you for contacting. I indeed have apartment homes available and would be most happy to tour both you and Amber. How does tomorrow, Friday 2/28 @ 1:30pm work for you guys? Please note, if you are unavailable at this time, we are here M-Sat from 9:30am - 5:30pm and on Sundays from 1pm - 5pm. I look forward to your reply and untimely meeting your future apartment home needs. If you haven't already visited our website, please do so, it is a great preview of what is to come.

Truly,

Property Manager
**Same-Sex Couple Response**

**T10-a**
Feb 27, 2014 at 2:44pm
Hi David,

Thanks for your interest in [redacted].

Our Digital Brochure includes a lot of useful information—floor plans, photos, a list of our amenities, and more. From the Digital Brochure you can also request an appointment to tour our property. Just click on the Schedule A Visit link and let me know what time works best for you. We do have limited availability, so please come by soon!

If you would like additional information or if you have any questions I haven’t answered, please reply to this email or give me a call at (804) [redacted]

Talk with you soon!

[redacted]

**T29-a**
Oct 2, 2014 at 11:52am
Hey there!

Which one bedroom are you referring to? I have a few coming up in the next couple of months!

Thanks!

[redacted] Leasing Professional

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**Same-Sex Couple Response**

**T29-b**
Oct 2, 2014 11:51am
Hey Jason,

I'd like to show you everything that [redacted] has to offer. When would be the best time for you to take a tour? I have some time tomorrow afternoon anytime between 1:30pm - 5pm.

Inside our Digital Brochure, you'll also be able to view our floor plans, photos of property, and see our amenities. You can even begin the application process with our Rental Application. If I haven't answered all of your questions, please contact me via email reply or give me a call at (804) [redacted]

Can't wait to show you around [redacted]

[redacted] Leasing Professional

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**Different-Sex Couple Response**

**T38-a**
5/27/15 10:36am
Hey Brittany,

I am sorry we currently do not have 1 bedroom apartments here. However, we do offer to bedroom with 1 bath starting from $1339.00 to 1669.00 a month.

[redacted] Leasing Specialist

**T38-b**
May 27, 2015 11:13 AM
Good morning Brittany,

We do not have 1 bedroom apartments here. We offer 2 bedroom with 1 bathroom for $1339.00 a month. Yes we do have a 2 bedroom available now to show? Please let me know if you would be interested.

Thank you

[redacted] Leasing Specialist
**Same-Sex Couple Response**

**T41-a**
8/04/15 11:42 AM
Hello,
We have a one bedroom model available to view. We are available to show apartments during the following days and hours, please select a time at least 1/2 hour after opening and 1/2 hour before closing.

Office Hours:
Monday 8:30 a.m. - 5:30 p.m.
Tuesday 8:30 a.m. - 5:30 p.m.
Wednesday 8:30 a.m. - 5:30 p.m.
Thursday 8:30 a.m. - 5:30 p.m.
Friday 8:30 a.m. - 5:30 p.m.
Saturday 10:00 a.m. - 5:00 p.m.
Sunday 1:00 p.m. - 5:00 p.m.

Thank you,

**T41-b**
8/04/15 11:48 AM
Hello,
We have a one bedroom available 9/5 for $1,485, 10/6 for $1,380 and 10/20 for $1,245 per month for twelve month lease.
We have a one bedroom model available to view. We are available to show apartments during the following days and hours, please select a time at least 1/2 hour after opening and 1/2 hour before closing.

Office Hours:
Monday 8:30 a.m. - 5:30 p.m.
Tuesday 8:30 a.m. - 5:30 p.m.
Wednesday 8:30 a.m. - 5:30 p.m.
Thursday 8:30 a.m. - 5:30 p.m.
Friday 8:30 a.m. - 5:30 p.m.
Saturday 10:00 a.m. - 5:00 p.m.
Sunday 1:00 p.m. - 5:00 p.m.

Thank you,

**Same-Sex Couple Response**

**T46-a**
August 4, 2015 4:25pm
Hi Dawn,
We will have an ADA 1 bedroom home available on September 5th, that is my only 1 bedroom availability for September. I will have a standard 1 bedroom home available October 9th. These are not currently vacant to view though. You are welcome to come by and talk to the community manager if you would like! Thank you for your email.

**Different-Sex Couple Response**

**T46-b**
8/04/15 4:23pm
Hi Tiffany,
Thank you for your email. We have a 1 bedroom that will be available on September 5th. This home is a modified ADA apartment. If you are interested you can stop by on Wednesday and talk to the community manager. Our phone number here at is 703- . If you could call before you come that would be great!
Thank you
Hi Christine
Are you available today?
I have a 1 bedroom apartment available

Best Regards,
Leasing Professional

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Hi Angela,
You may stop by today any time before 6pm.
What time works best for you?

Leasing Professional

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Hi Bri,
Are you available today?
I have a 1 bedroom available for immediate moving
Please call me or email

Best Regards
Leasing Professional

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Hi Britany
Are you available today?
I have a 1 bedroom available for immediate moving
Please call me or email

Best Regards
Leasing Professional

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Hi Lisa,
Thanks for your interest in our property. We do have a few selective apartment homes available.
We are open until 7pm. What time works best for you?

Leasing Professional