

**REPORT ON THE BARRIERS
FACED BY AFRICAN-AMERICANS IN THE ROANOKE AREA
AND PEOPLE WITH
DISABILITIES
IN
ROANOKE, LYNCHBURG,
CHARLOTTESVILLE AND FREDERICKSBURG**

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REPORT
ON THE BARRIERS FACED BY AFRICAN –AMERICANS IN THE ROANOKE RENTAL MARKET
AND PEOPLE WITH DISABILITIES IN ROANOKE, LYNCHBURG,
CHARLOTTESVILLE AND FREDERICKSBURG

EXECUTIVE SUMMARY

Housing is not simply shelter. Where people live makes a difference in the quality of their lives, the kinds of services that are available to them, what kind of schools their children attend and the opportunities they will have, the kinds of jobs that will be available, and whether or not their housing investment will grow. To evaluate the access to rental housing of two groups of Virginia's housing consumers, African-Americans and people with disabilities, HOME conducted a series of fair housing audits in the Tidewater area, and in Roanoke, Lynchburg, Charlottesville and Fredericksburg¹. This report sets forth the results of those audits in Roanoke, Lynchburg, Charlottesville and Fredericksburg. HOME is a private, non-profit fair housing and housing counseling providing a variety of services throughout central Virginia. The audits were conducted from September 1999 through June of 2001.

The race audits were designed to gather comparative information about how similarly qualified paired individuals, whose only significant difference was whether they were white or black, were treated in their respective attempts to seek housing in the rental market. The accessibility audits evaluated whether or not multifamily housing which has come on line in Virginia since 1991 meets the federal and state requirements for accessibility.

¹ This work was funded in part by a Fair Housing Initiatives Program grant received from the U.S. Department of Housing and Urban Development
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SUMMARY OF RESULTS

The results were discouraging in the extreme. In the Roanoke rental market African-Americans could expect to receive less favorable treatment than whites in their search for housing 44% of the time.

For people with disabilities who need accessible housing, the problem is also great. In 1988 the Federal Fair Housing Act was amended to require, among other things, that residential buildings consisting of four or more dwelling units constructed for first occupancy after March 1991 be physically accessible to people with disabilities. Virginia enacted nearly identical accessibility provisions in its 1991 revision of the Virginia Fair Housing Law, and incorporated many of the specific accessibility standards into the Uniform Statewide Building Code.

Nonetheless, in an audit that looked at accessibility in Roanoke, Lynchburg, Charlottesville and Fredericksburg, 13 of 15 apartment complexes built for first occupancy after March 1991 (87%) did not fully meet the accessibility requirements. 47% had major deficiencies, such as steps leading up to units that should have been accessible to people using wheelchairs.

These results are consistent with the results of national housing discrimination audits conducted by the U.S. Department of Housing and Urban Development in 1977 and 1989, which showed that African-Americans seeking housing experienced less favorable treatment than their white counterparts in over 50% of the tests conducted. Studies conducted in 1997 by the Equal Rights Center in Washington, D.C. indicated that African-Americans could expect to encounter less favorable treatment than whites in their search for rental housing in northern Virginia 56% of the time.

In addition, the Equal Rights Center's determination of accessibility showed that five out of five northern Virginia complexes that should have been accessible were not.

The results of HOME's studies should be grounds for serious concern. The need for affordable housing in Virginia has been well documented. However, little attention has been paid to the problems of those Virginians who are subject to unfair and illegal treatment in their search for HOUSING OPPORTUNITIES MADE EQUAL, INC. (HOME)

housing. Access to affordable housing is limited by illegal denial of housing. HOME's studies clearly indicate that housing discrimination is still a serious issue for African-Americans in Virginia today; and that little progress has been made in opening up housing to people with disabilities.

PRELIMINARY RECOMMENDATIONS:

- ✓ The Virginia Housing Study Commission should ensure that the issue of illegal housing discrimination in the Commonwealth is a focus of debate, and initiate open discussion in the Commonwealth about how best to identify and counteract illegal barriers to housing choice.
- ✓ The Virginia Real Estate Board, which oversees the state's fair housing enforcement functions, should review the audit results and develop a plan to improve compliance with the fair housing laws.
- ✓ The General Assembly should allocate funds for a more comprehensive look at rental practices in the state, including other segments of the rental market. While HOME focused on the issue of discrimination against African-Americans in its paired tests, it is likely that Virginia's increasing Hispanic and Asian populations, for example, also encounter illegal treatment.
- ✓ Additional outreach and education efforts should be made to both housing providers and housing consumers to ensure that they are aware of the rights, remedies and obligations provided under the fair housing laws.
- ✓ Fair housing enforcement throughout the state should be strengthened. Progress on meeting the goals of the 1998 JLARC report should be evaluated. Funding for the Virginia Fair Housing Office should be increased to provide them with the resources necessary for additional outreach and to conduct testing where needed as part of their investigations of discrimination complaints.

ABOUT HOME

HOUSING OPPORTUNITIES MADE EQUAL, INC. (HOME) is a private, non-profit fair housing organization formed in 1971, whose mission is to ensure equal opportunity in housing for all persons through counseling, education and advocacy. Throughout its 30 year history, HOME has sought to ensure equal housing opportunities for all persons throughout the Commonwealth of Virginia through education and outreach activities, comprehensive housing counseling services, and fair housing enforcement activities, including testing. HOME works to achieve its mission by encouraging housing providers and providers of housing-related services to become more aware of and to voluntarily comply with the law and to offer their properties and services on a non-discriminatory basis. HOME assists consumers through rental and homeownership counseling activities and administers a variety of programs of financial assistance in a number of different jurisdictions for first-time homebuyers, as well as for tenants and homeowners who are in danger of eviction or foreclosure. HOME provides free information, assistance, and counseling services to consumers on rental, landlord-tenant, homeownership, and fair housing issues; provides technical assistance to housing and housing-related service providers and to cooperating attorneys; assists local governments in evaluating fair housing issues and in developing policies and procedures to eliminate barriers to equal opportunities in housing; and investigates allegations of housing-related discrimination against all covered protected classes and all covered areas of housing and housing-related services (including rental, sales, lending, appraisals, and homeowners insurance). HOME has conducted thousands of tests and has demonstrated its ability to make objective assessments of differential treatment.

In 1998, the Virginia Department of Housing & Community Development and the Virginia Housing Development Authority recognized HOME's "comprehensive programs and powerful advocacy [which] have helped ensure Virginians equal access to housing for almost 3 decades." In 1999 and in 2000, HOME's fair housing program received a national best practices award from the U.S. Department of Housing and Urban Development, as representing one of the best community development programs in the country.

RACE-BASED AUDIT

METHODOLOGY

HOME's methodology compared the experiences of African-American homeseekers looking for rental housing in predominately white areas with the experiences of similarly qualified white homeseekers looking for rental housing in the same areas. 1990 census data (the most current available) was used to identify census tracts that were 75% or more white, areas where housing opportunities for blacks have historically been restricted. Local apartment guides, telephone directories, and newspapers were used to identify apartment complexes within those census tracts. Fifty-four test sites were identified in the Roanoke metropolitan area. Local testers were recruited and trained.

Test profiles were developed and the paired tests were conducted over a ten-month period, from September of 1999 through June of 2000. One black and one white tester made contact with each test site on the same day, generally within one-half to two hours of each other, seeking the same type of unit for occupancy within the same time period. Testers each recorded the details of their experience on written report forms, which were collected and reviewed by HOME staff. Testers were not told what issue they were testing for, test partners were not identified, nor were testers informed about the results of any test. Testers were paid a small stipend per completed test to provide some compensation for the time and effort of conducting and reporting on the test. Payment was unrelated to the outcome of any test.

SITE SELECTION:

To begin the project, HOME staff gathered demographic information on the Roanoke area, primarily through 1990 census data and with the assistance of local governmental, service, and advocacy organizations, to identify the racial composition of the various neighborhoods. The testing focused on those census tracts or neighborhoods that were predominantly white; that is, having a racial composition of 75% Caucasian or higher according to the 1990 census.

The audit testing focused on black and white testers looking for housing in white neighborhoods where access to housing has historically been restricted for blacks. Because of the long history of residential segregation and disinvestment in black neighborhoods, white neighborhoods frequently represent a higher income mix and greater opportunities for residents. Access to those neighborhoods as a matter of choice can make substantial differences in the quality of schools available, in the types of job contacts and employment opportunities available to residents, and the ability to accumulate wealth. However, the effects of the state's history of residential segregation, which has been both legally sanctioned and otherwise ensured in a variety of ways over the past century, are still being felt².

Apartment complexes within the identified census tracts were located through local apartment guides, telephone directories and local newspapers.

Fifty-four paired rental tests were conducted, three of property management firms, and the rest of apartment complexes. Twenty two were conducted in Roanoke City, twenty in Roanoke County, six in Salem, and six in Vinton. All tests were of theoretically professionally managed apartment complexes that were assumed to have some knowledge of the requirements of the fair housing laws. No tests were conducted of small, private landlords, single-family houses, or trailer parks.

TESTER SELECTION AND TRAINING:

HOME recruits testers primarily through personal referrals. Potential testers in the subject localities were identified through referrals from HOME's staff, Board members, and existing members of HOME's testing pool, as well as local contacts, service and advocacy groups, local fair housing or human rights offices, and others. HOME conducted eight hours of tester training in Roanoke for 27 local testers, in August of 1999. The training session included information on the rights, obligations, and coverage of fair housing laws, the role of testers as objective gatherers of information in uncovering discriminatory housing practices, test procedures, and reporting requirements. The

² Between 1911 and 1913 a number of Virginia cities, including Roanoke, Norfolk and Portsmouth, enacted ordinances establishing separate black and white neighborhoods. When these ordinances were held to be unconstitutional in 1917, discriminatory real estate practices, racially restrictive covenants, and violence were used to enforce neighborhood segregation. [p. 42, Massey and Denton, American Apartheid, Harvard University Press, 1993].

training program incorporated a variety of instructional techniques including lecture and discussion, role-plays, and hands-on exercises that involved a practice test. The training stressed the importance of objectivity during a test and emphasized that being a test subject does not mean that a housing provider has violated the law, and there should be no preconceived notions about the test subject. Before being permitted to serve as testers, volunteers must certify that they have no felony convictions nor been the subject of convictions or other disciplinary actions involving dishonesty.

HOME also requires that testers chosen for a specific test must have no current or former interest in, relationship to, or conflict with the test subject or transaction. While testers are considered volunteers, they are paid a small stipend per completed test to compensate them for the time and effort of conducting and reporting on the test. Payment is unrelated to the outcome of the test and testers are not told the results of the tests in which they participate.

TEST DESIGN AND CONDUCT:

HOME completed fifty-four matched pair tests over the ten month period from September of 1999 through June of 2000. Of the fifty-four, twenty-two were in the City of Roanoke, twenty were in Roanoke County, six were in Salem, and six in Vinton.

Each tester was provided a separate written assignment form for each test. The test assignments prepared by the test coordinator included information about the test site, instructions for conducting the test, and the profiles or identities for each tester to adopt in conducting the test. Profiles were constructed so that paired testers were seeking the same size unit during similar time frames, had similar incomes and occupations, and had the same family composition. Profiles were adjusted to fit the unique characteristics of the test subject (e.g., price range of the housing) or location in which the test was to be conducted (e.g., available employment opportunities). Each tester was typically moving to the area because of a job transfer, or a local person residing in a different part of town employed with a local business. Testers were generally salaried with an income sufficient to qualify them for the requested unit. The African-American tester was always slightly better qualified than the white tester in terms of income and credit history (although they were seldom asked during the

transactions). Both testers in a pair were instructed to ask for similar types of units (i.e., apartment, townhouse, number of bedrooms), rent ranges, and availability dates.

Testers were instructed to call the test site first to set up an appointment to meet with an agent to see a unit. The paired testers were instructed to set up their individual appointments for the same day but at a different hour. In some instances, differences in treatment began during the initial telephone call. The testers completed telephone contact report forms documenting all telephone conversations with the test subjects, including preliminary calls or follow up calls. In most instances, the African-American tester made the first visit to the test site with the white tester arriving at the test site within the next two hours of the same day.

The testers completed written telephone contact report forms documenting all telephone conversations with the test subjects, including preliminary calls or follow up calls. The African-American tester generally made the first visit to the test site, with the white tester arriving at the test site shortly thereafter.

With each assignment the tester was given blank test report forms on which to write a detailed account of everything that took place during the test. After completing the on-site visit, the testers were instructed to find a quiet, relatively private place to write up the test report. The test report is comprised of several pages of questions requiring short answers and a narrative section in which the tester describes in detail the testing experience in its chronological entirety, and includes any materials given to the tester by the test site.

TEST REVIEW AND ANALYSIS:

HOME staff collected each set of test assignment and report forms, along with any other materials obtained during the test, from the testers as the tests were completed. Each test was reviewed, the tester answered any clarifying questions, and the test was considered completed. For each paired test, HOME staff compared each tester's experience on a variety of factors, including ease of access; length of contact; level of service; amount of information provided; nature of information provided; number and type of units indicated as available; application fee, deposit, and rental amount

information; stated qualifying standards; and any comments or descriptions of the complex, residents, or neighborhood.

RESULTS OF RACE-BASED AUDITS:

Overall, twenty-four of the 54 tests conducted in the Roanoke area, or 44%, showed differential treatment favoring the white tester. The rate of differential treatment favoring the white tester in each jurisdiction was as follows: Roanoke City 32%, Roanoke County 50%, Salem 50%, and Vinton 67%.

Some examples of differences in treatment included:

- Both testers made appointments to see an apartment on the same day and showed up at the scheduled time: when the black tester arrived the office was locked and no-one was there, when the white tester arrived she was met by the agent and shown the apartment;
- Both testers called to make an appointment. The white tester was invited to visit the complex and meet with an agent on a certain date, but the black tester was told the office would be closed on that same day;
- Both black and white testers met with the same agent less than an hour apart. The white tester was told more units were available than the black tester, while the black tester was quoted a monthly rent that was \$20 more than that told the white tester, and the application fee and security deposit were double those told the white tester

The examples of tests results outlined above illustrate some of the difficulties African-Americans are likely to encounter in searching for an apartment in the Roanoke rental market. The results are particularly distressing since the test sites that were chosen were expected to have a much better understanding of the law than small private landlords, single-family houses, or trailer parks. Larger apartment complexes are more likely to belong to professional associations, to have fair housing policies, training programs, and staff members who have received fair housing training. Given that the experience of discrimination is as high as it is in professionally run complexes, and that the majority of rental housing in the state is provided by small, private landlords, it is likely that the results substantially understate the difficulties for African-Americans in finding rental housing in Virginia as a whole.

In twenty-one of the 54 tests, 39% of the total, black and white testers received similar treatment and information. Nine of the 54 tests, 17% of the total tests, showed differential treatment

favoring the black tester. Two-thirds of the tests favoring black testers were of sites located in the city of Roanoke, or 27% of the 22 tests in the city. In seven of the nine test sites where black testers received more favorable treatment, the census tract where the property is located has experienced significant racial change since the 1990 census. The seven census tracts have all seen increases in their black populations and decreases in white population. This is frequently an indication of white flight.

ACCESSIBILITY AUDIT

BACKGROUND:

CHANGES IN STATE & FEDERAL LAW PROTECT PEOPLE WITH DISABILITIES:

In 1988 the federal Fair Housing Act was significantly amended, adding disability as a protected class and requiring, among other things, that residential buildings consisting of four or more dwelling units constructed for first occupancy after March of 1991 be physically accessible to people with disabilities. The intent of the accessibility design and construction provisions is to ensure that persons with mobility impairments are able to live in and fully enjoy such units in the same way as people without disabilities. All units of covered buildings with elevators, and ground floor units of non-elevator buildings, must meet the requirements, which apply to common use areas and amenities as well as individual units. Covered buildings include multi-family housing for rent or for sale and would include, for instance, both apartments and condominiums.

The law does not require that multi-family housing be fully accessible or that it include all the design features that a person with a mobility impairment might need. Fair housing laws require that seven modest requirements be incorporated into the design of new buildings. The Virginia Fair Housing Office summarizes the seven features as:

1. a building entrance that is wide enough for a wheelchair, accessible via a route without steps;
2. accessible public and common-use areas;
3. doors that allow passage by a person in a wheelchair;
4. an accessible route into and through the dwelling unit;
5. light switches, thermostats and other environmental controls in accessible locations;
6. reinforcements in bathroom walls for later installation of grab bars; and
7. kitchens and bathrooms that allow a wheelchair to maneuver about the space.³

Failure to include these features is regarded as unlawful discrimination. The fair housing regulations issued by the U.S. Department of Housing and Urban Development in January of 1989 specifically state that “the Fair Housing Act makes it unlawful to design and construct certain multifamily dwellings for first occupancy after March 13, 1991, in a manner that makes them inaccessible to persons with handicaps. All premises within such dwelling also are specifically required to contain several features of adaptable design so that the dwelling is readily accessible to and usable by persons with handicaps.”⁴ A builder has some design flexibility in including these features and may look to the American National Standards Institute (ANSI) or the Uniform Federal Accessibility Standard (UFAS) as acceptable standards of accessible design. Virginia enacted nearly identical accessibility provisions in its 1991 major revision of the Virginia Fair Housing Law,⁵ and incorporated many of the specific accessibility standards into the Uniform Statewide Building Code.

The laws also require that people with disabilities be permitted to make reasonable modifications and accommodations to both single family and multi-family housing of any age, to enable them to use and enjoy the housing. All of the requirements, enacted into law over a decade ago, are intended to expand the range of housing opportunities for people with disabilities, so that their housing options more nearly approximate those available to people without disabilities. The requirements cover common areas and amenities as well as individual units for the simple reason that access to common areas and amenities is a fundamental aspect of apartment living. A person would not be able to fully use and enjoy the dwelling if, although able to live in the unit, he or she was unable to freely move around the complex, retrieve mail from mailboxes, dispose of trash, do laundry, or use facilities like a pool in the same way as other residents. People with disabilities pay the same rent as people without disabilities, and are entitled to the same range of amenities.

Although it has been over ten years since these requirements went into effect, housing that complies with the accessibility requirements of state and federal fair housing laws remains in short supply. In discussions with local governments and disability organizations, it became apparent that their experience has been that many new multi-family complexes built in Virginia after March of 1991

³ VFHO publication “What ‘Fair Housing’ Means for People with Disabilities”, referencing 42 U.S.C. § 3604(f)(3)(c), p. 23, 1999.

⁴ Implementation of the Fair Housing Amendments Act of 1988, Final Rule, 54 Federal Register 3289-3290, 24 CFR Part 14, Background, January 23, 1989

⁵ Virginia Fair Housing Law, Virginia Code §36-96.3.B
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violate the provisions of the federal and state fair housing laws. This is particularly important, since disability advocates in various localities identified the lack of accessible housing as a primary issue. In addition, the state's consolidated plan has acknowledged that there was a mismatch between the number of accessible units and the number of people who needed them.

Persons with disabilities thus encounter particular hardships in seeking housing - finding affordable, accessible housing in their own communities may be an impossible task. Because of the extremely limited number of accessible units, people with disabilities may be required to move out of their communities, away from support structures, services, families, and caretakers.

HOME therefore determined to conduct an audit of covered multifamily apartments that came on line after March 1991, to see whether or not the need for accessible housing was being addressed in Virginia, as required by law, with new construction.

ABOUT THE ACCESSIBILITY AUDIT:

HOME's accessibility audits are not a complete assessment of all housing problems experienced by people with disabilities in the rental market, and did not, in particular, address issues of affordability. However, they are a snapshot of the degree of difficulty a person with a disability would encounter in a search for accessible housing. They are a comprehensive look at the availability of accessible housing and the degree of compliance with the law by builder and developers of multi-family housing in the region.

Multi-family development is a major commercial enterprise and the professionals involved, whether architects, developers, or builders, should be expected to be knowledgeable about all relevant construction requirements. The accessibility requirements have been in effect for more than ten years; HUD issued regulations clarifying the requirements in 1989 and provided detailed guidance on compliance in 1991 and in 1994.⁶ HUD and the state and various industry associations have

⁶ See Implementation of the Fair Housing Amendments Act of 1988, Final Rule, 54 Federal Register 3289-3290, 24 CFR Part 14, Section 100.205, January 23, 1989; Final Fair Housing Accessibility Guidelines, 56 Federal Register 9472-9515, 24 CFR Chapter 1, Subchapter A, Appendix II and III, March 6, 1991, reprinted with corrections June 24, 1991; and Supplement to Notice of Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines, 59 Federal Register 33362-33368, 24 CFR Chapter 1, Subchapter A, Appendix IV, June 28, 1994. HOUSING OPPORTUNITIES MADE EQUAL, INC. (HOME)

conducted training on multiple occasions and accessibility requirements are incorporated into the Uniform Statewide Building Code. There is no rational basis for a multi-family complex to be constructed with design characteristics that are not in compliance with the accessibility requirements.

METHODOLOGY

To conduct the accessibility audit HOME identified multi-family housing of four or more units constructed for first occupancy after March of 1991, and used testers to conduct site visits to the properties and assess the level of compliance with the seven accessibility requirements identified by the state and federal fair housing laws and regulations. Local apartment guides, telephone directories, and newspapers were used to identify apartment complexes that appeared to be relatively new and dates of construction were verified. Fifteen test sites were identified in Roanoke, Lynchburg, Charlottesville and Fredericksburg. Local testers were recruited and trained.

SITE SELECTION:

Properties audited were identified based upon the following criteria: the property is multi-family residential housing of four or more units and was constructed for first occupancy after March of 1991. This definition is consistent with the definition of “covered multi-family housing” in state and federal fair housing law and regulations, which establish design and construction guidelines for multifamily housing built for first occupancy after March 13, 1991. The Virginia Fair Housing Law, like the federal law, defines “covered multi-family dwellings” as “buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.”⁷ Local apartments guides were used to identify multi-family complexes. Apartments that appeared to be built after March of 1991 were contacted to determine the date of construction. If the date provided by the site was after March of 1991, this information was verified by confirming the date of construction and the size of the complex through the local tax assessor’s office. Once the dates and numbers of dwelling units were confirmed to fall within HUD’s guidelines, the sites were added to the list of properties to be investigated.

⁷ Virginia Code §36-96.3.B
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TESTER SELECTION AND TRAINING:

Potential local testers were identified through referrals from HOME's staff, Board members, and existing members of HOME's testing pool, as well as local contacts, service and advocacy groups, including the Blue Ridge Independent Living Center, the Roanoke Fair Housing Board, Total Action Against Poverty of Roanoke, the Lynchburg Independent Living Center, the Piedmont Housing Alliance of Charlottesville, and others in the local communities. HOME conducted 8 hours of rental and accessibility tester training over the course of two consecutive evenings in Roanoke in October of 2000 and in a full-day Saturday session in Charlottesville in March of 2001. The eight hour training session included information on the rights, obligations, and coverage of fair housing laws, with a specific focus on the accessibility requirements of the law, the role of testers in uncovering discriminatory housing practices, test procedures, and reporting requirements. The training program incorporated a variety of instructional techniques including lecture and discussion, role-plays, and hands-on exercises that involved a practice test. The training stressed the importance of objectivity during a test and emphasized that being a test subject does not mean that a housing provider has violated the law, and there should be no preconceived notions about the test subject.

The training also included a detailed discussion of what makes a complex accessible and the seven features required to be incorporated into building design and construction, including the specific measurements necessary for the dwelling, public and common use spaces, and facilities such as accessible entrances and routes, usable doors, light switches, electrical outlets, thermostats, usable kitchens and bathrooms.

HOME requires that volunteers certify that they have no felony convictions nor been the subject of convictions or other disciplinary actions involving dishonesty before they can serve as testers. Testers chosen for a specific test must have no current or former interest in, relationship to, or conflict with the test subject or transaction. While testers are considered volunteers, they are paid a small stipend per completed test to compensate them for the time and effort of conducting and reporting on the test. Payment is unrelated to the outcome of the test.

TEST DESIGN AND CONDUCT:

HOME conducted fifteen individual tests in the four cities over a four month period, from February through June of 2001. Four tests were conducted in Roanoke, two in Lynchburg, five in Charlottesville and four in Fredericksburg.

Each tester was provided with a separate written assignment form for each test. The test assignment prepared by the test coordinator included information about the test site, instructions for conducting the test, and the profiles or identities for each tester to adopt in conducting the test. While the general profiles for each tester were similar, profiles were modified to fit the unique characteristics of the housing provider (e.g., price range of the housing) or location in which the test was to be conducted (e.g., available employment opportunities). Each tester was looking for housing for a spouse or family member (depending on the age of the tester) who was a wheelchair user. The tester represented that he or she was employed with a local business as a salaried employee with an income sufficient to be qualified for the requested unit.

Testers were instructed to ask about a one or two bedroom accessible apartment and to make a series of observations and necessary measurements. Testers were instructed to determine or estimate the number of buildings in the complex, to find out how many accessible units were in the complex, whether there was any current construction on site, whether some buildings were older than other buildings, and note the general terrain of the complex. Testers were also instructed to find out how many stories the buildings were and whether any buildings had elevators. Testers were instructed to observe parking, accessible routes and entrances, including to the rental office, model, common areas and rental units. Testers were instructed to measure and observe the interior of rental offices and/or models and the interior of rental units for outlets, switches, environmental controls, doorways, corridors, bathroom floor space and kitchen floor space. Testers were asked to observe whether there were grab bars in bathrooms and whether or not the walls in bathrooms were reinforced by either tapping down the wall or asking the rental agent. They were also instructed to observe facilities such as mailboxes, laundry rooms, trash/recycling facilities, tennis courts, volleyball courts, and swimming pools.

Generally testers were instructed to make a site visit without calling ahead to make an appointment unless the apartment guide stated otherwise, to ensure that the tester would be able to make observations and get measurements without being discouraged over the telephone. In many instances, the tester was unable to measure an accessible unit because no accessible units were available. In these cases, the tester was instructed to measure the model, if there was one, and to observe the public and common use areas and facilities.

With each assignment the tester was given blank test report forms to write a detailed account of everything that took place during the test and record their measurements and observations. After completing the on-site visit, the tester completed the test report form, which is comprised of several pages of questions requiring short answers, measurements, and a narrative section in which the tester describes in detail the testing experience in its chronological entirety.

TEST REVIEW AND ANALYSIS:

HOME staff collected each set of test assignment and report forms from the testers as the tests were completed, along with any other materials obtained during the test. Each test was reviewed, the tester answered any questions needed for clarification, and the test was considered completed. For each test, HOME staff compared each tester's experience, observations, and measurements against the set of accessibility requirements and noted any comments or descriptions of the complex, residents, or neighborhood. All deficiencies were counted as lack of compliance. In a few instances where compliance wasn't clear, judgment was used to determine whether or not the design characteristic was usable by a person in a wheel chair. (e.g., ease of maneuverability around obstacles, or obviously steep ramps).

Distinctions were made between major deficiencies and technical deficiencies that do not quite meet the guidelines in evaluating the test reports. The absence or limitation of accessible units and deficiencies that would significantly interfere with a person's ability to visit or live in a property were considered to be major deficiencies. For instance, if a person in a wheelchair would be unable to get into an office, model, or unit (any unit in an elevator building, ground floor unit in non-elevator buildings) it was considered a major deficiency. It was also considered a major deficiency if a complex had a laundry facility or fitness center that could not be used by a person in a wheelchair, if

a person in a wheelchair would be unable to get into or maneuver in a bathroom or kitchen, or if a main corridor in a unit was not wide enough to manipulate a wheelchair readily. Numerous technical deficiencies at a complex would be considered, in accumulation, to be major deficiencies. In addition, if a complex had no accessible units to show the tester so that no assessment of the unit could be made, but the outside was not accessible, the site was considered to have a major deficiency.

Technical deficiencies included elements of non-compliance that probably would not prevent a wheelchair user from renting or using an apartment, but do not meet guidelines and would make use of the unit and its amenities unnecessarily difficult. Examples include mailboxes without curb cut access, parking spaces that are not the shortest distance possible to an entrance, or light switches that were too high to be easily reached.

Some sites that technically meet requirements still show a lack of awareness and narrow vision in their design and construction that unnecessarily limit their accessibility and thus their use by people with mobility impairments. For example, exterior mailboxes may be accessible because there are curb cuts allowing a person in a wheelchair to approach the mailboxes, but columns or posts placed too close together may make maneuvering difficult. In many cases, accessible design costs no more than inaccessible design, and merely requires the architect to have thought the plans through with the needs of someone in a wheelchair in mind.

RESULTS

Despite the years of discussion, clarification, and training, the audit results clearly demonstrate a nearly complete failure to comply with the guidelines.

Only two complexes were found to be in compliance with all the requirements. The remaining 13 sites appear to all be in violation of the requirements to some degree. Seven of the fifteen (47%) had major deficiencies. In short, 87% of the apartments tested in these cities did not meet guidelines and were out of compliance with state and federal fair housing laws.

These deficiencies create major obstacles for people with mobility impairments. In addition, an agent at a complex built in 1997 told the tester that they had NO accessible units at all.

Interior deficiencies included interior doors that did not have a 32” clearance preventing passage between rooms and restricting use of some facilities such as bathrooms, storage rooms and laundry facilities; environmental controls that were as much as 60” from the floor instead of 48” (preventing a wheelchair user from being able to control his or her own heat or air conditioning); bathrooms without reinforced walls for grab bars; and bathrooms in which the door opened inward instead of outward so could not be closed if a wheelchair user was inside.

Test Results by Jurisdiction

JURISDICTION	NUMBER OF TESTS CONDUCTED	% OF SITES THAT DID NOT MEET GUIDELINES	NO. OF SITES THAT DID NOT MEET GUIDELINES	NO. OF TESTS THAT MET GUIDELINES
Roanoke	4	100%	4	0
Lynchburg	2	50%	1	1
Charlottesville	5	100%	5	0
Fredericksburg	4	75%	3	1

APPENDIX 1

Examples of Design Features Not in Compliance with Accessibility Requirements

- Test #1: The tester did not see a unit because the rental agent said no apartments were accessible (the complex was built in 1997).
- Test #2: The tester asked how many units were accessible and was told only two. The tester saw a first floor unit and observed that the route from the rental office to the unit had steps. The first floor unit had hallways too narrow, doorways too narrow, and a bathroom too small to maneuver in. The electrical outlets were too low. Curbs prevented access to the trash facilities.
- Test #3: At a new complex with seventy-five first floor units, the agent told the tester that 6 were accessible (all seventy five should have been). There were very few curb cuts; none leading to the apartment buildings. There were curbs and steps at the trash facilities. Some amenities were accessible; others were not due to steps. The tester saw the model apartment, which the agent described “resembling” the accessible units. The bathroom was too small to be able to maneuver a wheelchair.
- Test #4: The tester was shown a first floor accessible unit; however, neither the common nor individual entrances to the building were accessible.
- Test #5: There were no curb cuts from the parking area to the rental office and no curb cuts from the parking areas to the dwelling units or to the laundry area.