

## **Social Service Human Relations Board**

### **Minute of the Regular Meeting Thursday, January 27, 2005**

CALL TO ORDER / ROLL CALL – President Franz called the meeting to order at 7:40pm. Present were Vice President Chen, Members Wasko, Flores-Witte, Bonta, Hollinger Jackson. Staff were Beaver and Brown.

APPROVAL OF MINUTES – The December 8, 2004, special meeting minutes were approved. M/S Flores-Witte, Bonta, and unanimous with Hollinger Jackson abstaining.

The January 6, 2005 Special Meeting minutes were approved. M/S Bonta, Flores-Witte and unanimous with President Franz abstaining.

An introduction by Member Hollinger Jackson. She gave a brief description of her background and work experience.

CITY COUNCIL REQUEST TO REVIEW SENTINEL FAIR HOUSING SURVEY AND REPORT – Executive Director of Sentinel Fair Housing (SFH) Mona Breed, provided an overview of her agency, and gave a presentation regarding the testing process, including training, use of forms, questionnaires, etc. Sentinel Fair Housing is a private Fair Housing agency that was started 20 years ago by the Urban League and civil rights leaders. Breed has been the Director for the past 10 years. Sentinel was selected to monitor Denny's Restaurants under consent decrees of the U.S. Court, and was selected by the Department of Housing and Urban Development to train testers for a national discrimination study by the Urban Institute. Breed stated that the standards and competencies of Sentinel are uncontested, and described the basic characteristics of discrimination testing:

*Testers:* Testers are private citizens and members of various protected classes (race, religion, sexual orientation, disabled, etc.) Testers come from a variety of places, for example, Sentinel just trained 40 University of San Francisco law students as testers. Applicants are screened prior to training, including a criminal background check and credit check; then Ms. Breed personally reviews all applicants. Testers must be able to be recognized as the protected class they will represent in the test, e.g. if testing for discrimination against people with disabilities, the tester must have a visible disability. Testers must go through Sentinel's HUD-approved training process prior to acceptance. Testers are never told what issue they are testing and the only time they would ever learn more about a test case is if they are required to testify pursuant to a fair housing lawsuit. Testers are paid a stipend of \$35 per test, which usually takes from 1-1/2 to 3-1/2 hours per test.

*The Testing Process:* When Sentinel receives a discrimination complaint, paired testers are sent to find or disprove a discriminatory housing practice. Two people who are as similar as possible except for the single variable being tested are sent out with various specific instructions regarding their housing application. In response to a question, Breed indicated that testing is not entrapment and that testing is deemed legal by the courts, indeed it is one of the only ways that discrimination testing can be fairly done. She noted also that more often than not they find no discrimination has occurred in reported incidents. Sentinel had participated in a statewide study of discrimination in 2000-01 and found some instances of differential treatment in Alameda.

However, since it was not complaint-based, they had no basis to conduct specific testing. . Later, when they heard fears and concerns from Harbor Island Apartment (HIA) tenants seeking housing in the wake of the HIA terminations, they felt it was important to follow up to see if differential treatment was taking place.

All testers participate in a practice test before going out on a paired test. When a test is conducted, the “protected” tester goes to tested unit first, followed by the “unprotected” tester. The testers are not told why they are going or what they are testing; they do not know each other nor do they ever see or communicate with each other. Following the rental application/interview both testers fill out their respective forms and are interviewed separately by Sentinel staff to determine if the protected tester got negative, discouraging information/feedback while the unprotected tester got positive and encouraging feedback. If a test involves a different agent or contact at the rental unit, the test is invalid and the responses are eliminated. Based on results of the test, Sentinel asks the client if they would like to pursue further action. The client will then file an administrative complaint with HUD Fair Housing and Employment Office (FHEO) and/or file a lawsuit. Less than 1% of all complaints get to this stage.

A sample test was provided and Ms. Breed went over the sample, explaining the differences in questions, availability of units, and mannerisms when dealing with each tester, and differences in the terms and conditions of the lease. The sample demonstrated how a minority (protected) tester had been asked many more questions than the majority (unprotected) tester being asked only “when did she want to move in?”

In the Alameda study, 25 complete tests and 25 complete analyses were conducted. Sentinel sent educational letters to owners/agents of units where discriminatory practices and/or differential treatment were found. The response from the rental property owners was good, and several large rental agencies including Gallagher and Lindsay and Harbor Bay Realty sponsored fair housing training for their own and other agents. About 50% of the individual rental property owners responded directly to Sentinel re: the education letter.

In response to questions: Breed stated that:

- The methodology is not exactly the same across the U.S. but HUD approves each and every fair housing testing protocol;
- Fair housing training in response to a complaint is voluntary, except when it is required through a conciliation agreement or other order;
- Many people came to the trainings because they really weren’t sure if/what they had done that was discriminatory;
- It has only been since 1988 that it is illegal for a landlord to say they won’t rent to someone with children.
- An owner of a single-family home renting a room to one tenant is exempt from state fair housing law.
- In 2004, Sentinel dealt with 450 households, provided education for 10 property managers, and sponsored 12 education events.
- HUD does a “best practices” conference every year and Sentinel has been nominated for two awards.

- If more funding, Sentinel would expand training for property owners in the Section 8 Voucher Program to provide at least 3 hours of fair housing training.
- Sentinel would follow up on a suggestion to ask local papers to publish fair housing information and a referral number in the Rentals section of the local newspapers and asking realtors to publish similar inform in their office handouts.
- Once the study was publicized in the papers the responses from various property owners increased.
- The finding of differential treatment in Alameda (44% of the tests) is higher than the national average of 26%. However, it should be looked at in the context of what was happening, e.g. the HIA terminations.
- The protected tester is always slightly more qualified than the unprotected applicant, thereby making the differential treatment easier to spot. Board.

Mr. Richard Rudloff, a local owner of several Section 8 units in Alameda for 35 years addressed the Board. He stated he has not read the rental study being discussed but wanted to address the question 'what could the City Council do to assist landlords in providing fair housing? He stated that landlords are required to have a business license and because Sentinel has great pamphlets, he suggested sending appropriate mailings for landlord training if funding is available. He went on to suggest a way to obtain funding would be to require a business license on all single-family dwellings that are rented out. They are currently exempt from the ordinance. He stated that the Housing Authority will give Section 8 termination notices to landlords for 30 days, yet give Section 8 tenants 60 days. There are misperceptions about Section 8 tenants as renters. He hasn't ever had a late check from a tenant, or no check from Housing Authority. Anything this Board could do to assist the landlord situation would be appreciated. He hasn't ever attended a workshop, but would for Section 8 specifically.

Under discussion, Wasko stated the methodology appears to be excellent and the criterion that is used is the same as the national process that has been developed. Hollinger-Jackson stated that the report was detailed, appeared to follow a solid method and the statistics appear to be reliable. Franz noted that while the results may be slightly skewed due to the extenuating circumstances of HIA, there was a solid basis for Sentinel's concerns. M/S Wasko/Flores-Witte to report to the City Council, with members from ATAH & AAWG (Franz & Chen) reviewing the report. The report should state the Board's evaluation of the Sentinel study as noted above, and recommend increased substantive training for landlords and tenants, funding for mailing to all landlords, press and realtors, the possibility of Sentinel preparing a tape or DVD on Fair Housing practices that can be accessed through the Library / Cable systems, working with the media to get a listing in the rental classifieds regarding fair housing rights and sources for information and assistance, and suggesting they look at adding the single-family rentals to the business licenses to increase funding for fair housing activities. The motion was adopted 6/0. President Franz will present the report to the City Council at an upcoming meeting.

PLANNING FOR JOINT SESSION – Reviewed last years agenda and Off-Agenda report. Suggested staff poll (through the Clerk) for attendance at the regular April or May meeting. M/S Flores-Witte, Wasko, 6/0.

### WORK GROUP STATUS REPORTS

*AAWG* – Nothing to report, has not had a meeting.

*FSWG* – Member Wasko asked about a menu for distributing the needs survey, and is there a timeline? She reported about the Festival of Families to partner with Southshore for a Spring event in early May. And using this event to get survey's filled out could maybe work. The event will have community performers (kids), and parent education. Southshore will donate raffle certificates, maybe use those as fill out a survey & get a raffle ticket. They are exploring the possibility of a shuttle bus during the hours of 1pm – 4pm from the West End. Volunteers will be available.

*Friendship City* – Vice President Chen reported there is still no contact with Sweden and Japan regarding connecting those Sister City ties. We are expecting and inviting a group and delegation in late February or mid-March. He is working on formalizing a response team to handle administrative work and to also forming a Subcommittee who have ties to Wuxi, 30 persons to handle the logistics and responses. A fundraiser dinner raised on Saturday, January 9<sup>th</sup> raised approximately \$4,000. This group has an opportunity to participate in a Chinese New Year event on Bay Farm Island in mid-March. He asked everyone to think about Alameda type gifts for visitors of China.

RECOMMENDATION TO RENAME FRIENDSHIP CITY WORKGROUP AND APPROVE EXPENDITURE OF FUNDS FOR PENDING WORKGROUP ACTIVITIES – There are substantial requirements for becoming a sister city and the Board would like to know what they are. M/S Bonta, Flores-Witte, 6/0.

BOARD / STAFF COMMUNICATIONS – Member Wasko reported the vouchers for childcare will decrease to poverty level due to budget constraints (federal). President Franz – The VITA site at Chipman needs volunteers. Flores-Witte will volunteer on Feb. 5<sup>th</sup>, Feb 12<sup>th</sup> and Feb 19<sup>th</sup>, March 5<sup>th</sup>, and April 9<sup>th</sup> & April 12<sup>th</sup>. Beaver – The ACCYF had asked the Mayor for support with Season Non-Violence on Feb 1<sup>st</sup>, and extended the invite to the Board to attend and speak from past support.

ORAL COMMUNICATIONS – none

ADJOURNED – President Franz adjourned the meeting at 10:15pm.

Respectfully submitted,

Carol Beaver, Secretary of SSHRB

CB:sb

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F:SSHRB\AGENDA & MINUTES\2005