



# NOT WELCOME

THE UNEVEN  
GEOGRAPHIES OF  
HOUSING CHOICE

2017



**NOT  
WELCOME:**

**THE UNEVEN  
GEOGRAPHIES OF  
HOUSING CHOICE**

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Chicago Policy Research Team  
Public Policy Studies in the College, The University of Chicago  
5845 S. Ellis Avenue  
Chicago, IL 60637

websites:  
[housingchoicevouchers.org](http://housingchoicevouchers.org)  
[cafha.net](http://cafha.net)

email:  
[info@housingchoicevouchers.org](mailto:info@housingchoicevouchers.org)

# NOT WELCOME: THE UNEVEN GEOGRAPHIES OF HOUSING CHOICE

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Chicago Policy Research Team  
The University of Chicago

2017







Dear Friends:

I am pleased to present this report submitted by the Chicago Policy Research Team and the Chicago Area Fair Housing Alliance. In these pages, you will read of our collaborative research borne of the resolve to make a positive impact in the lives, opportunities, and choices of residents.

The uneven geographies of housing choice are no accident. The federal government, local officials and policymakers, housing providers, and ordinary people each share responsibility for the affront of inequality that bleeds across our region.

Housing choice is scarce, and so opportunity is scarce as well.

Residential segregation has always and everywhere dictated who gets what and who lives where. Housing Choice Vouchers attempt to disrupt this narrative by providing low-income families the choice to access greater opportunity.

However, the lived experience of participants in the Housing Choice Voucher program is a reality far from this ideal of housing choice: they find themselves 'not welcome' in geographies of opportunity. Significant gaps exist in policy, in funding, and in legal protections that manifest themselves as barriers to HCV participants' mobility.

In this report, we explore the barriers to HCV participants' housing choice, affirm the benefits of affording access to geographies of opportunity in our region, and posit mechanisms to ameliorate discrimination and smooth the uneven geographies of housing choice.

In its Affirmatively Furthering Fair Housing rule, the U.S. Department of Housing and Urban Development reinforces that it is not enough simply to combat discrimination, but that states, local governments, and public housing agencies have a duty to 'take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.'

The desire and duty for fair housing choice must be more than empty rhetoric. Instead, it must be rooted in the stories of our neighbors across our region. I implore you to consider the experience of HCV participants, whose possession of a voucher *should* grant them the power of choice. Until we can together address the barriers to housing mobility, we fail to give them any opportunity to exercise it.

I invite you to consider the evidence and ideas that follow as we strive in this collective duty to extend choice and opportunity to everyone.

**Charles Barlow**

*Research Director, Working Group on Housing Choice Vouchers, Chicago Area Fair Housing Alliance  
Director, Chicago Policy Research Team, The University of Chicago*

A yellow sign is mounted on a brick building. The sign features the text 'APARTMENTS FOR RENT' in large, bold, black letters. Below this, a horizontal line separates the main title from the details '1 & 2 BEDROOM APTS AVAILABLE', which are also in bold black letters. At the bottom of the sign, the word 'REALTY' is partially visible. The sign is flanked by two white security cameras. In the background, a window with a dark frame is visible on the brick wall.

**APARTMENTS  
FOR RENT**

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**1 & 2 BEDROOM APTS  
AVAILABLE**

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**REALTY**



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We are particularly appreciative of assistance from Aaron Barlow, who freely volunteered countless hours of his time to design a web-based system to monitor and outreach to discriminatory housing providers in partnership with the Chicago Area Fair Housing Alliance. His technical expertise also afforded us the opportunity to create original data sets to advance this research.

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# CONTRIBUTORS

Madeline Anderson  
Yael Caplan  
Isabelle Deibel  
Margaret Dowd  
Fiona Fong  
Gautami Galpalli  
Tobi Gbile  
Natalie Iskander  
Hannah Jacobs-El  
Ford Jamieson  
Sara Koniewicz  
Brittany Lee

Charles Barlow, Director  
Ari Anisfeld, Course Assistant  
Katie Bart, Project Mentor

Zachary Levine  
Nikhil Mandalaparth  
Joshua McDonald  
Stephen Moreland  
Jasmin Pizano  
Kriti Ramakrishnan  
Lacey Sanchez  
Luisa Sepulveda  
Cori Tingstad  
Jason Zhou  
Baizhen Zhu





### About the Chicago Policy Research Team

The Chicago Policy Research Team (CPRT) is a policy think tank at the University of Chicago. Since 2009, CPRT has established partnerships with non-profit organizations and governmental agencies to address complex policy problems impacting the Chicago region.

Last year, CPRT worked alongside the Chicago Housing Authority to investigate the perspectives of Chicago residents to better understand interpretations of 'vibrancy' in the context of its neighborhood transformation efforts. The project culminated in the publication of *Building Vibrant Communities* in June 2016.

### About the Chicago Area Fair Housing Alliance

The Chicago Area Fair Housing Alliance (CAFHA) is a 501(c)(3) non-profit consortium of fair housing and advocacy organizations, government agencies, and municipalities committed to the value of fair housing, diversity, and integration. CAFHA works to combat housing discrimination and promote integrated communities of opportunity through education, advocacy, and collaborative action.

Following its April 2016 membership meeting, CAFHA established the Housing Choice Voucher Working Group. This group brings together Housing Choice Voucher program participants, advocates, enforcement agencies, and public housing authorities to identify barriers to housing choice and determine ways to work together to create stable housing opportunities in Chicago and suburban Cook County. Since its inception, the working group has worked specifically to identify enforcement gaps in source of income discrimination, education and outreach needs, administrative barriers within the Housing Choice Voucher program, and accessibility concerns.

Since January 2017, the CPRT has partnered with the working group to accelerate its efforts to address source of income discrimination and barriers to housing choice.

## What is the Housing Choice Voucher Program?

The Housing Choice Voucher (HCV) program was introduced in 1974 after the Nixon administration announced a moratorium on new housing and community development spending. This major shift in federal housing policy attempted to replace high-cost public housing construction with market-based subsidy programs.

The U.S. Department of Housing and Urban Development (HUD) funds the program and it is administered locally by 3,350 Public and Indian Housing Authorities. The program allows “very low-income families to choose and lease or purchase safe, decent, and affordable privately-owned rental housing”.<sup>1</sup> Families typically pay 30% of their adjusted monthly income towards their housing costs and the voucher pays the remainder directly to the housing provider. HUD requires that 75% of families receiving vouchers earn incomes less than 30% of the median income for the county or metro area in which the family chooses to live. The program has experienced sustained growth since its inception and now serves over two million households nationwide.

The Chicago Housing Authority (CHA) administers the HCV program in the city of Chicago, serving approximately 46,823 households.<sup>2</sup> The average family size is 2.3. 81% of voucher households are headed by women and 40% have at least one member with a disability. 87% of heads of household are black, 8.7% are Hispanic, 3.4% are white, and 0.6% are Asian.

The Housing Authority of Cook County (HACC) administers the HCV program in suburban Cook County, serving approximately 13,168 households.<sup>3</sup> The average family size is 2.5. 84% of heads of household are black, and 16% are white.

## What is Source of Income (SOI) Discrimination?

‘Source of income’ is defined differently by municipalities and states across the country, but it refers generally to the way an individual supports him or herself. It can include wages, salary, Social Security, Housing Choice Vouchers, and other government benefits.

Many HCV participants face discrimination by housing providers in their housing search. Several states and municipalities have adopted legislation that prohibits discrimination based on a family’s source of income. These protections serve to remove barriers to housing choice and increase housing mobility for low-income families in the private rental market.

The City of Chicago introduced source of income anti-discrimination protections in 1990. Cook County included source of income as a protected class under its Human Rights Ordinance in 1993. However, the county’s ordinance explicitly excluded vouchers as a protected source of income. Faced with legal discrimination for another two decades, HCV participants in suburban Cook County were finally extended source of income protections in 2013.

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1 U.S. Department of Housing and Urban Development. Housing Choice Vouchers Factsheet

2 Chicago Housing Authority. CHA Quarterly Report, 4th Quarter 2016, 2

3 U.S. Department of Housing and Urban Development. Resident Characteristics Reports, as of April 30 2017



# Geographies of Fair Housing



# GEOGRAPHIES OF FAIR HOUSING

Understanding the history of structural housing discrimination is vital to expanding housing choice in Chicago and suburban Cook County. While the goal of the HCV program is to expand housing choice in areas indicated as offering the most opportunity, these options remain limited by structural barriers that impede efforts to affirmatively furthering fair housing.

This section of the report investigates the cultural and socio-economic indicators of discrimination, identifying the neighborhood and communities with the greatest barriers to equal housing. We present a history of housing discrimination in the city of Chicago, highlighting practices that continue to shape housing mobility for HCV participants. We contextualize the spatial distribution of housing discrimination complaints registered with the Chicago Commission on Human Relations with fair housing test data, online rental listings, and the lived experiences of HCV participants to underscore the influence of segregationist agendas upon the current geographies of fair housing in Chicago.

## HISTORY OF HOUSING DISCRIMINATION IN CHICAGO

### Location-Based Discrimination: Loss of Choice

Housing discrimination in Chicago is not new.<sup>1</sup> In 1919 after the Chicago Race riots, the issue became structurally polarized between black and white residents.<sup>2</sup> Before WWI and the first wave of the Great Migration of African Americans from the rural South and elsewhere, Chicago was predominantly inhabited by first and second generation Anglo-Saxon, German, Scots-Irish, Italian, and Eastern European immigrants.<sup>3</sup> These groups occupied distinct ethnic enclaves within the city and openly discriminated against each other.

In the years following WWI, Chicago's neighborhoods were classified as white, black and changing.<sup>4</sup> Blacks originally settled south of the stockyards, enclosed between two railroad lines running north to south and stretching from 22nd to 51st streets. This area became known as the "Black Belt" or "Black Ghetto" and later Bronzeville.<sup>5</sup> However, the narrow block was not large enough to house the influx of blacks. The black population expanded further south and west, encroaching upon historically middle- and upper-income white communities. In response, many white residents worked together to resist the demographic changes threatening the traditional ethnic homogeneity of their communities.

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1 Brooks. Richard. "Covenants and Conventions," 1

2 Philpott. *The Slum and the Ghetto: Neighborhood Deterioration and Middle-Class Reform*, 12

3 Grossman. *Land of Hope: Chicago, Black Southerners and the Great Migration*, 127

4 Bogira. "Separate, Unequal, and Ignored."

5 *Ibid.*



White Chicagoans utilized both legal and illegal means to combat the increase of black housing. The Chicago Real Estate Board worked with communities to draft racially-restrictive housing covenants that prohibited whites from leasing, selling, or granting occupancy to “a particular group of people”.<sup>6</sup> These covenants were considered the legal, progressive alternative to racial violence. However, more often than not, blacks were still met with bricks and sticks. Small numbers of whites who feared declining property values and loss of status to left for the safety of covenant-protected areas and newer developments in expensive suburban townships.

Nevertheless, demand for housing in Chicago far exceeded supply. By the Great Depression, the city’s core housing stock was crumbling from prolonged neglect and overcrowding. By 1934, the federal government intervened and partnered with private property developers, bankers, and real estate agents to renew growth in housing. Chicago was not alone in the housing challenges it faced; a national program was introduced to bolster the housing market in America’s largest metropolitan areas. The Federal Housing Administration (FHA) called on the Federal Home Loan Bank Board (FHLLB) and the Home Owners’ Loan Corporation (HOLC) to create residential security maps that indicated the level of safety for real estate investments in various cities. Under this system, city areas were placed into four categories: A, B, C, and D, with A being “best” and D being worst or “hazardous.”<sup>7</sup>

Bankers and financiers were incentivized to divert funding from C and D communities. This practice would become known as Redlining and accelerated residential racial segregation and urban decay.

C and D communities tended to be nearer the city’s center. They were older and more overcrowded than the A and B communities located nearer the city’s outskirts and in the newly-developed suburbs. Areas with large numbers of minorities, chiefly blacks and Jews, with lower quality housing were labeled ‘hazardous’. Areas only in danger of harboring large numbers of minorities and that had poor or still decent housing stock were labeled C or ‘declining’. Areas with a majority white population and that had decent or excellent housing were labeled B or ‘still desirable’.

The status of ‘best’ and ‘hazardous’ were relatively fixed. However, there was much contention between ‘still desirable’ and ‘declining’ areas. After racial covenants lost their legal power in *Shelley v. Kraemer* in 1948,<sup>8</sup> bankers exploited white fear of neighborhood status and declining property values through ‘blockbusting,’ a profiteering practice where real estate agents would actively sell homes to black families in white neighborhoods.<sup>9</sup>

## What’s a complaint?

In this report, a “complaint” refers to an alleged instance of discrimination reported to the Chicago Commission on Human Relations (CCHR), the office of city government that enforces the fair housing and human rights ordinances of the municipal code.

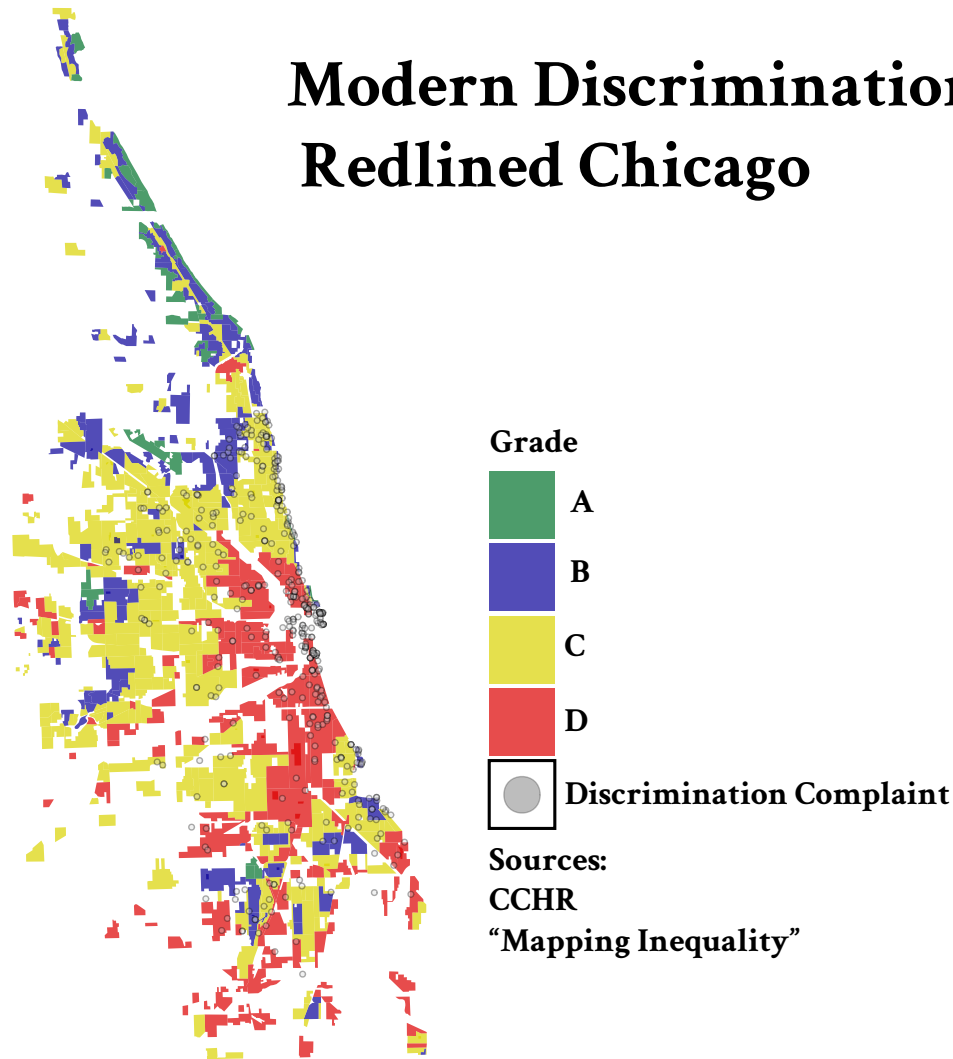
6 Long and Johnson. *People vs. Property: Race Restrictive Covenants in Housing*, 18

7 Greer. “Historic Home Mortgage Redlining in Chicago.”

8 Vose. *Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases*, 205

9 Hirsch. *Making the Second Ghetto: Race and Housing in Chicago*, 184

# Modern Discrimination and Redlined Chicago

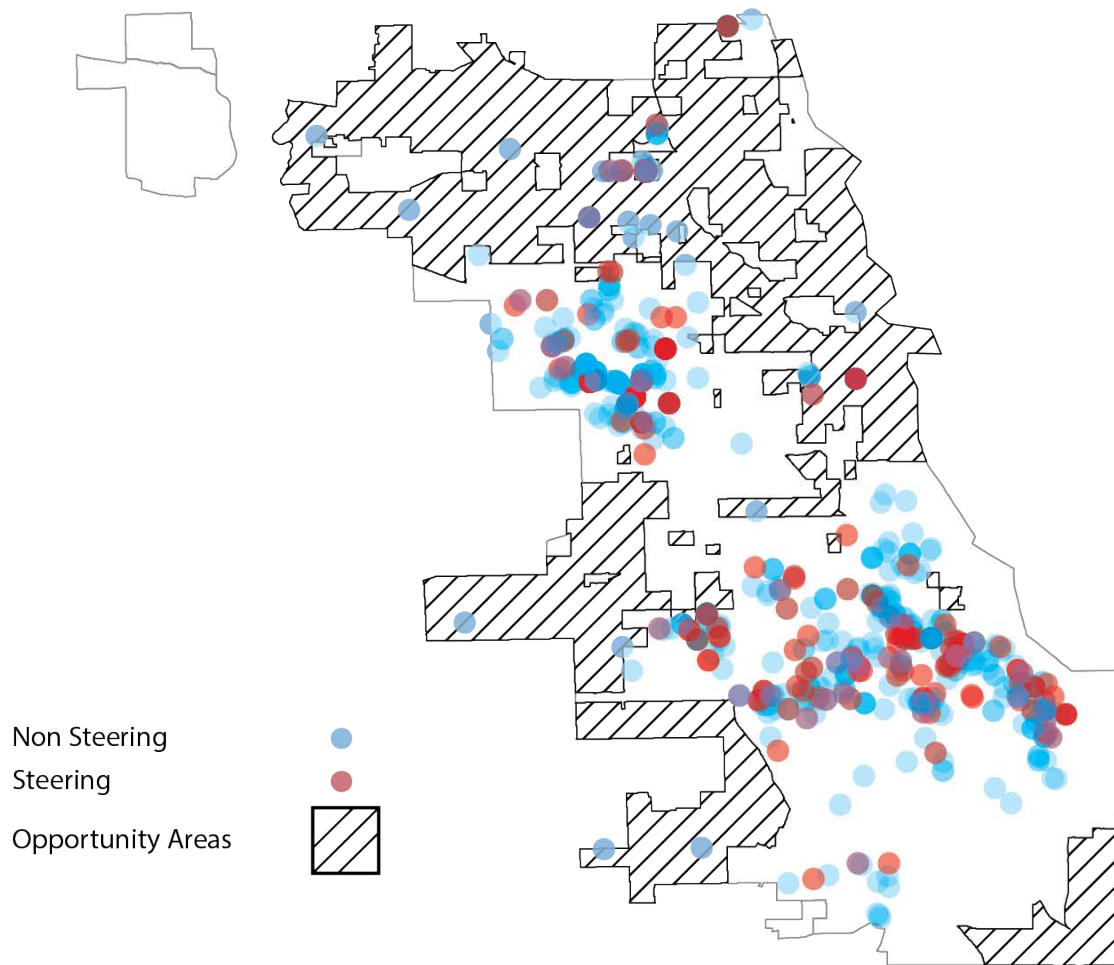


**Map 1.** This map utilizes HOLC data, circa 1940 whereby Chicago neighborhoods were classified by their desirability. These classifications were heavily influenced by quality of current housing stock, future economic prospects, and population mix. Areas with least minority influence and best growth prospects were designated 'A' (best), while areas with the worst majority population growth and most deteriorating housing stock were marked 'D' (hazardous).

Newly expanded interstate lines and a post-war housing boom enabled more whites to relocate to the suburbs. Realtors and mortgage companies were buying artificially low from whites moving out and selling artificially high to blacks moving in, and pocketing the difference. Legal desegregation had made de facto segregation immensely profitable, and so there was no monetary incentive towards making efforts to better diversify communities. Although new and improved housing opportunities were offered to middle and upper class blacks, hardly any effective measures were put in place to help the poorer blacks who had no choice but to stay in the same crumbling neighborhoods as before.

The divide between areas originally labeled 'best' and 'hazardous' became even wider as the 'best' areas became wealthier and stayed white, while the 'hazardous' areas remained black

## HCV Steering by Opportunity Area Status



**Map 2.** This map details the distribution of documented craigslist rental listings actively seeking voucher holders. HCV participants are steered to rent in clusters of neighborhoods on the mid-west and mid-south regions of Chicago. Most listings are located outside designated Opportunity Areas, and occur in areas once classified as declining (C) and hazardous (D).

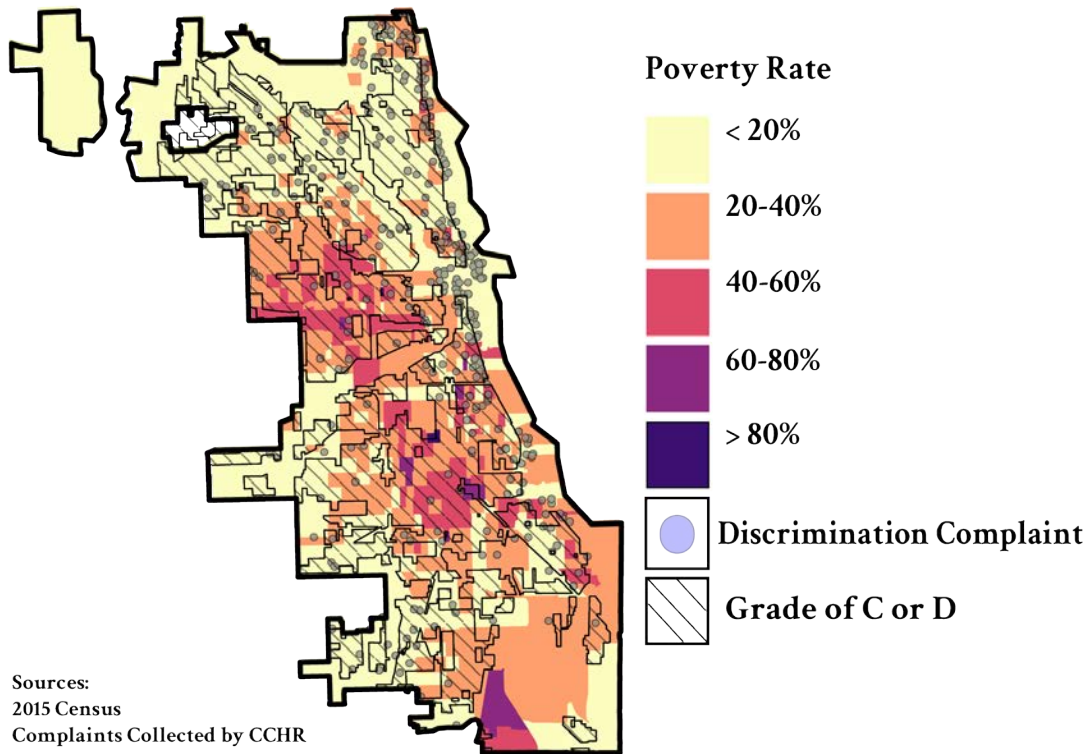
but became more poor. By the 1960s, black ghettos were still in decline.<sup>10</sup> Middle class blacks continued to migrate further southwest, taking their money and resources with them. For the most part, these middle and upper class blacks were able to settle in previously 'declining' and 'still desirable' areas, but not 'best' due to a combination of negative societal pressures and personal preferences.<sup>11</sup>

The poorest blacks were consistently denied any easy access to enhanced opportunity and housing choice. It was common knowledge that blacks were still unwelcome in the northern suburbs, so they preferred to settle in the southern suburbs and the residential areas directly

<sup>10</sup> Ibid.

<sup>11</sup> Weiss. *Places of Their Own: African-American Suburbanization in the Twentieth Century*, 411

## Poverty, Discrimination, and Redlining



**Map 3.** This map utilizes historic redlining data from the HOLC and poverty rates by census tract from the CHA to show how past ‘hazardous’ areas are faring today. Many of the past Class D (hazardous) areas have some of the highest poverty rates in the city.

adjacent to the ‘Black Belt.’<sup>12</sup> Though middle and upper class blacks were sold overly expensive housing, they had some recourse and were given options; poorer, unskilled, and uneducated blacks were not.

Throughout the 1960s, urban renewal developments were constructed to provide adequate housing for Chicago’s urban poor.<sup>13</sup> However, most of these failed to defuse and decentralize the structural mechanisms that caused the need for such efforts. By deliberately concentrating black poverty, urban renewal exacerbated the very problems it tried to resolve because private industry was still unwilling to invest resources into still ‘hazardous’ areas.

The same structural mechanisms continue to influence the housing market, impeding efforts to affirmatively further fair housing and expand choice. Redlining and other race based population control measures have influenced decades of residential development in Chicago. The issue of racial segregation is not entirely black and white. Hispanics and various other peoples have been discriminated against and concentrated in certain areas of the city as well. The

<sup>12</sup> Ibid.

<sup>13</sup> Mayer and Wade. *Chicago: Growth of a Metropolis*, 440

## A Note on the Numbers

The CPRT analyzed housing discrimination complaints against all protected classes from the Chicago Commission on Human Relations (CCHR) from 2015 to 2017 to investigate the uneven geographies of fair housing in Chicago. To contextualize complaint data, we utilized HCV participant locations provided by the CHA,<sup>1</sup> and 2010 census community area population numbers,<sup>2</sup> socioeconomic indicator metrics,<sup>3</sup> and racial demographic information.<sup>4</sup> Community areas are sorted into eight larger regions for city-wide analysis.<sup>5</sup> Using community areas allows us to better understand our data in the context of the way HCV participants and residents talk about neighborhoods in the city.

We control for population differences between community areas by focusing primarily on the number of complaints per 10,000 residents. HCV participants may fall under one or more additional protected classes in the ordinance, and total complaints serves as a reasonable proxy for source of income complaints because more complaints are based on source of income than any other category of discrimination from year to year and neighborhood to neighborhood.

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- 1 Chicago Housing Authority--HCV, 2017
  - 2 City of Chicago, Department of Planning and Economic Development. "Census 2010 and 2000"
  - 3 Census Data--Selected Socioeconomic Indicators In Chicago, 2008-2012
  - 4 Census Data--Race By Community Area, 2010
  - 5 The Chicago 77. "Chicago Neighborhoods"

same is true for the income discrimination that we see in housing today, with concentrations of poverty and wealth in distinct areas. Yet it is noteworthy how the spatial relation between these current concentrations tend to mirror the same patterns first developed by racial residential practices nearly 100 years ago.

In the past, middle and upper class whites felt they had no choice but to protect what equity they had in their properties and flee when blacks moved in. Middle and upper class blacks felt they had no choice but to move into the better areas that they could both afford and were welcome in.<sup>14</sup> Poor whites felt they had no choice but to stay in their respective areas, and so did poor blacks on the other side of the tracks. Even today, the city's poorest, irrespective of race, often feel stuck in their respective housing situations, while the richest have no reason to question their mobility.

A recurring flaw in both the old and current systems of city residential management is the lack of choice or chances of opportunity afforded to the city's poorest to make better lives for themselves. Today, HCV participants have a means towards a better ends, but they still often face discrimination when trying to utilize it.

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14 Ibid.

## Modern HCV Residence and Redlined Chicago

### Grade



A



B



C



D

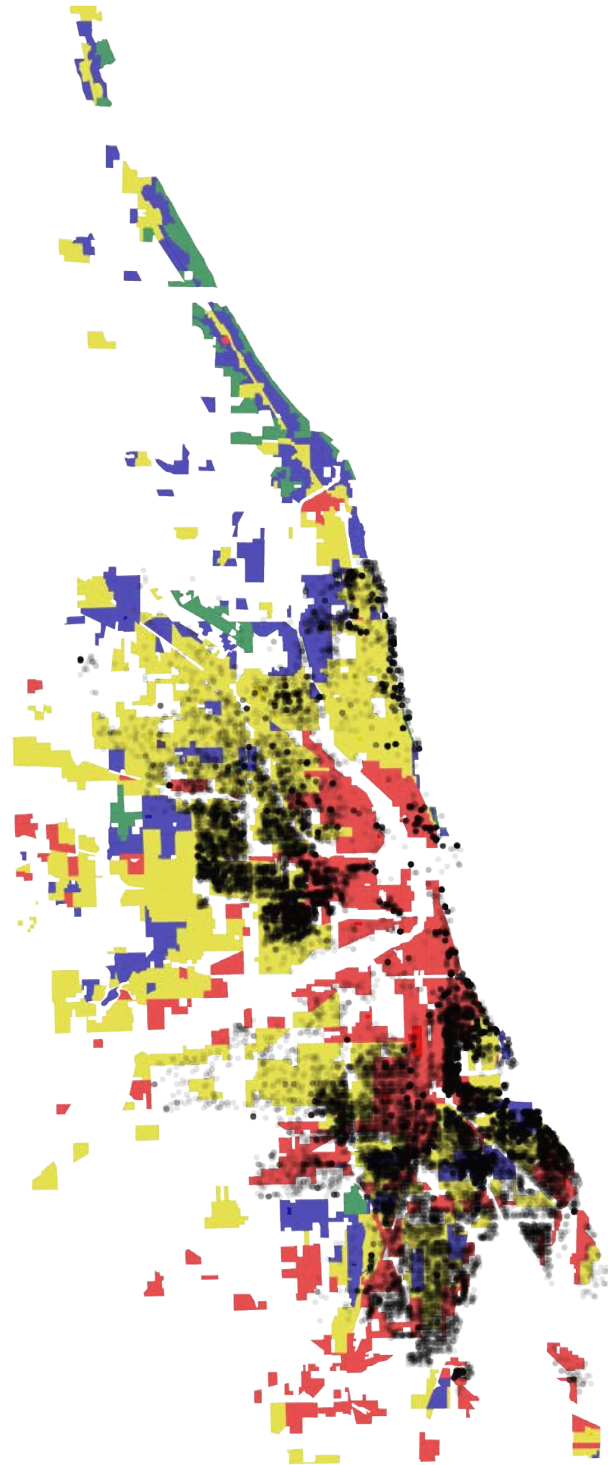


HCV Household

### Sources:

CHA

"Mapping Inequality"



**Map 4.** This map highlights the current distribution of HCV participants across the city of Chicago, overlaid with the historic redline map from circa 1940. There are large concentrations of voucher holders in previously Class C (declining) and D (hazardous) neighborhoods. There is an uneven distribution of voucher holders in poorer areas both past and present.

## PRESENT DAY GEOGRAPHICAL OVERVIEW

### Geographies of Chicago

HCV participants attending the National Public Housing Museum (NPHM) HCV Storytelling Event and our focus group discussions contended that the Loop and central neighborhoods are inaccessible to voucher holders. Even when controlling for population, the center of the city has a disproportionately high number of complaints. The Northwest, Far Southwest, and Central regions contain the greatest proportion of source of income complaints. In all three of these areas, source of income is more than twice as likely to be the basis of a complaint than in the area with the lowest proportion, the Southwest Side.

The distribution of source of income complaints across the city cannot be attributed to either the distribution of HCV participants or population distribution.<sup>15</sup>

By comparing the pattern of discrimination we observed to what would be expected if the distribution of complaints arose from HCV participant or population distribution, it is clear that the likelihood that our data would randomly arise if discrimination patterns fit the explanations we gave is functionally zero. Given the difference between the actual and expected values, the proportion of HCV participants across the city fails to account for the number of source of income complaints by seriously underestimating complaints in the Center and the West of the city while overestimating in the Southwest and Far Southeast. Total population proportion better explains the distribution of complaints, but still cannot account for why there are so many source of income complaints in the Center and so few on the Southwest side. Therefore, neither the distribution of voucher participants nor the general population distribution account for the differential amounts of source of income discrimination we see across the city. There is something else underlying our

Region	Complaint <sup>1</sup> Rate	SOI Complaint Rate	% of Complaints SOI based	HCV Participant Population	Total population
Central	7.93	6.25	78.8	1,104	131,157
Far North	1.95	0.952	48.8	5,331	440,948
Far Southeast	0.624	0.401	64.3	9,218	224,179
Far Southwest	1.63	1.40	86.2	7,253	177,988
North	1.22	0.792	64.9	3,047	303,208
Northwest	1.12	1.05	93.5	3,923	276,630
South	2.68	1.51	56.5	9,928	257,920
Southwest	0.359	0.128	35.7	4,580	389,547
West	1.04	0.603	58.0	2,591	480,687
<b>Citywide total:</b>	<b>1.62</b>	<b>1.06</b>	<b>65.4</b>	<b>46975</b>	<b>2,682,264</b>

<sup>15</sup> We ran Chi-Square tests of expectations, one where the expected value for each area was (total complaints)\*(HCV holders in area/total HCV holders) and the other where the expected value was (total complaints)\*(population in area/total Chicago population)

distribution.

Having a voucher does not automatically mean access to housing. According to a 2011 survey of 479 HCV participants, 41.8% of respondents faced challenges when locating a place to live.<sup>16</sup> For those that did face challenges, “a majority of the respondents indicate they had difficulty finding a unit in the neighborhood they prefer (72.2%), had difficulty finding a unit in good condition (54.2%) and had difficulty finding a unit that they could afford (51.2%).”<sup>17</sup> 47.6% of respondents cited that they had difficulty finding a housing provider who would accept their voucher.

Source of income discrimination occurs among housing providers that are currently renting to individuals with vouchers and have knowledge of the HCV program. In a 2011 fair housing test of 155 housing providers with HCV participants as tenants, housing providers discriminated against testers posing as HCV participants 59% of the time, either refusing to rent or even negotiate with the tester.<sup>18</sup> The study also determined

## What is Fair Housing Testing?

Fair housing testing is a method used to measure patterns of housing discrimination. An organization will send trained individuals called ‘testers’ to various locations, where they pose as renters or buyers with certain demographics. The organization will then record whether a housing provider is willing to rent to certain testers and not willing to rent to others. For example, two testers may have almost identical demographics (income, age, marital status, etc.) but one has a voucher and the other does not. If both testers visit the same housing provider and he tells the tester without a voucher that the unit is available for rent or purchase but the voucher-holding tester that it is not, then the provider is discriminatory.

Region	Complaints expected based on HCV proportion	Complaints expected based on population proportion	Actual Complaints
Central	<b>6.67</b>	<b>13.9</b>	82
Far North	32.2	46.7	42
Far Southeast	<b>55.7</b>	<b>23.7</b>	9
Far Southwest	43.8	18.8	25
North	18.4	32.1	24
Northwest	23.7	29.3	29
South	60.0	27.3	39
Southwest	<b>27.7</b>	<b>41.2</b>	5
West	15.7	<b>50.9</b>	29
<b>Citywide total:</b>	<b>284</b>	<b>284</b>	<b>284</b>

<sup>16</sup> Chicago Lawyers’ Committee for Civil Rights Under Law. Fair Housing Testing and Survey Project, 39

<sup>17</sup> Ibid., 38.

<sup>18</sup> Ibid., 19.



## Measuring Discrimination

Counting official complaints is an imperfect measure of housing discrimination due to underreporting. The process for filing a discrimination claim is lengthy and often HCV participants are unaware of reporting procedures.<sup>1</sup> In particular, because the Commission on Human Relations cannot offer injunctive relief and HCV participants have a limited amount of time to find housing, there are far fewer discrimination claims officially filed<sup>2</sup> than fair housing testing indicates.

To minimize the effects of underreporting, we include discrimination complaints that were later dismissed as without substantial evidence or where the complaining party did not follow up with the hearing procedure. Thus, we are measuring less how much discrimination is occurring from a legal standpoint and more how much discrimination is actually experienced.

It is possible that a variety of factors might make it easier for people in one part of the city to file a claim than another; this is a mitigating factor we cannot control. However, because our findings align so closely to what HCV participants told us, it is doubtful this is the driving factor behind why some regions of the city generate so many more complaints than others.

- 1 In a 2011 survey of HCV participants completed by the Chicago Lawyer's Committee for Civil Rights, "62.2% of respondents said they either do not know how to file a complaint or are unsure about the process."
- 2 Newsome, Panel: "Not Welcome: The Uneven Geographies of Housing Choice."

## What do we mean by "race"?

Complaints the Commission on Human Relations receives can claim race, national origin, or ancestry as a basis for discrimination.<sup>1</sup> As a result, most Latino or Hispanic people file claims categorized as "national origin" or "ancestry," because by the Commission's definition Latinx/Hispanic identity is better defined as ethnicity than as race. However, the American Community Survey includes Hispanic as a racial category.<sup>2</sup> Colloquially discrimination against Latinx and Asian people is sometimes described as racism, and other times as xenophobia or bias based on ethnicity. Because of this ambiguity in definition,<sup>3</sup> 'racial discrimination complaints' refers to the sum of race, national origin, and ancestry complaints in this report.

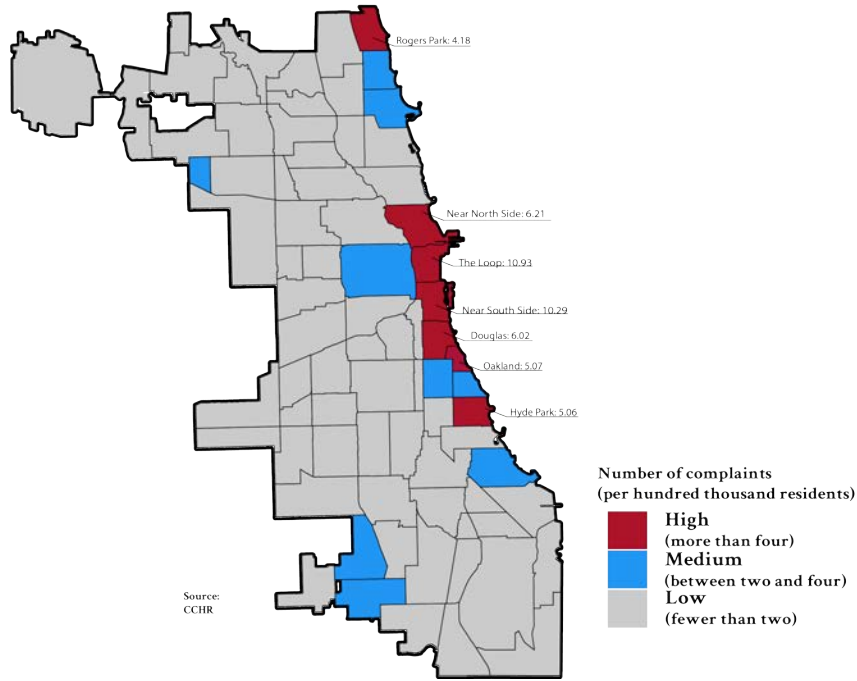
- 1 City of Chicago. Commission on Human Relations. "What we do: Discrimination Cases"
- 2 Census Data--Race By Community Area, 2010
- 3 Gonzalez-Barrera, Ana, and Mark Hugo Lopez. "Is being Hispanic a matter of race, ethnicity or both?"

that testers with vouchers experienced inferior customer service 28% of the time. Agents refused to provide as much information about rentals and "several testers described the agents as looking 'disturbed,' 'annoyed,' or replying 'curtly' when they mentioned they had a voucher."<sup>19</sup>

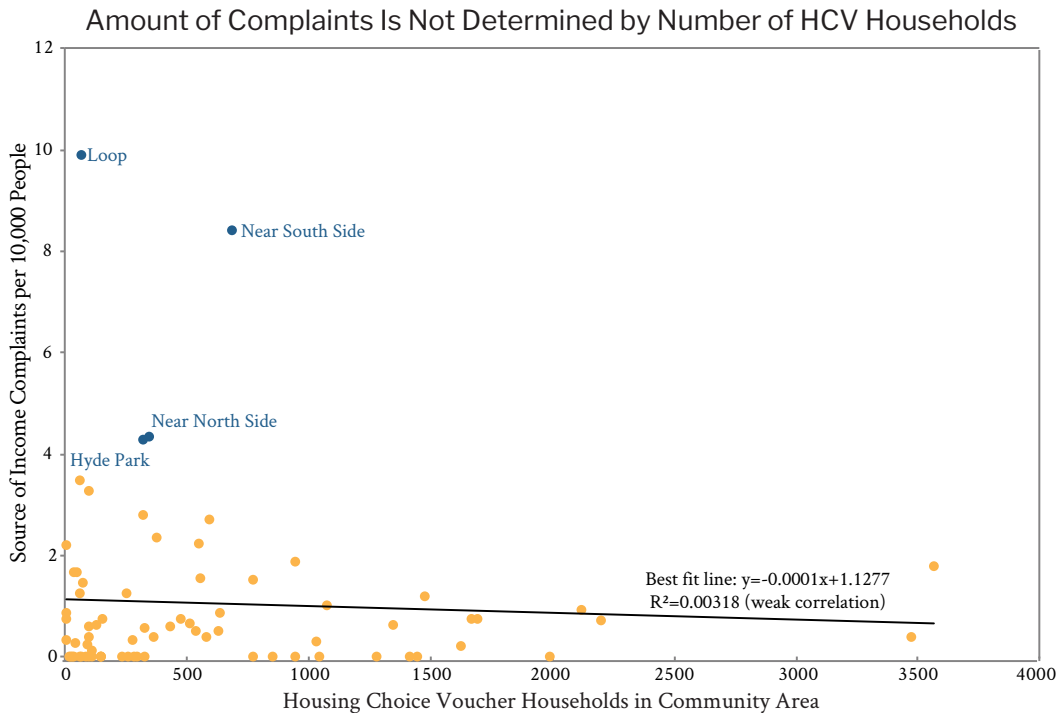
From the survey and fair housing testing, we gain a better understanding of how people faced barriers to choice when trying to use their vouchers. The complaint data supports and clarifies the pattern of discrimination HCV participants face. Yet neither fair housing testing nor macro-level complaint data alone explain why there are more complaints in some areas as opposed to others.

<sup>19</sup> Ibid.

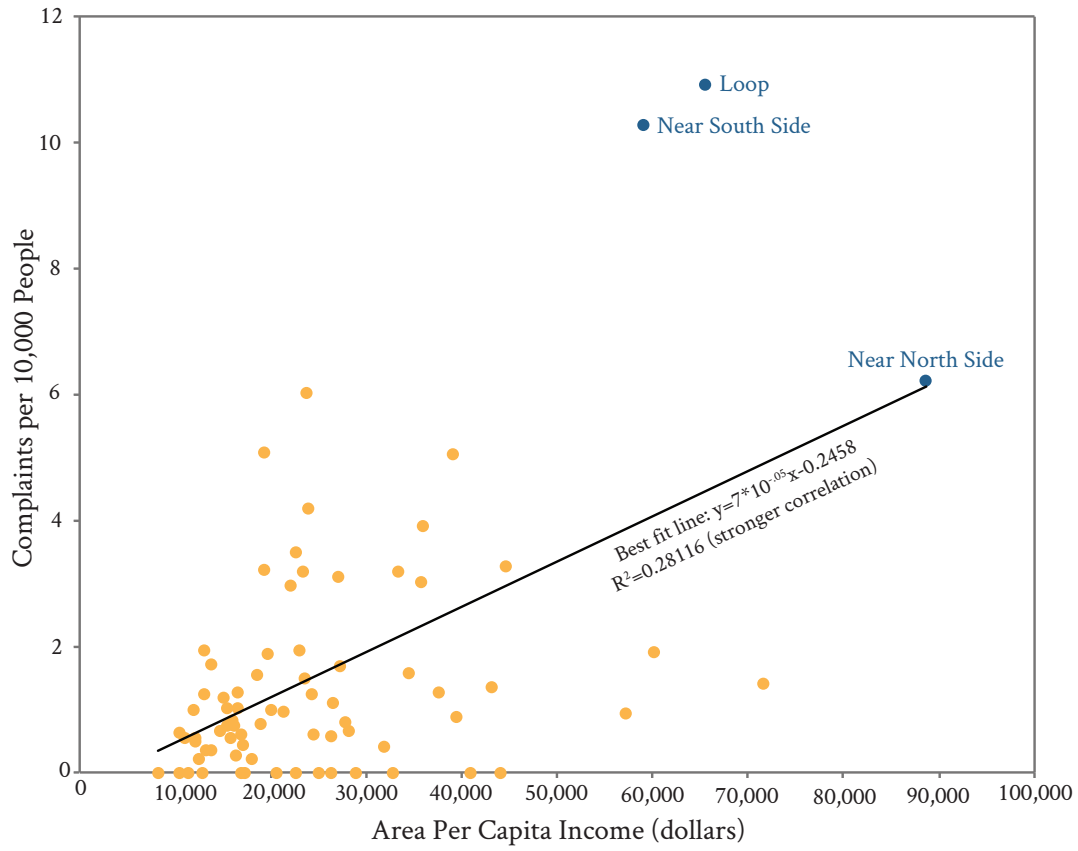
### Volume of Discrimination Complaints by Community Area



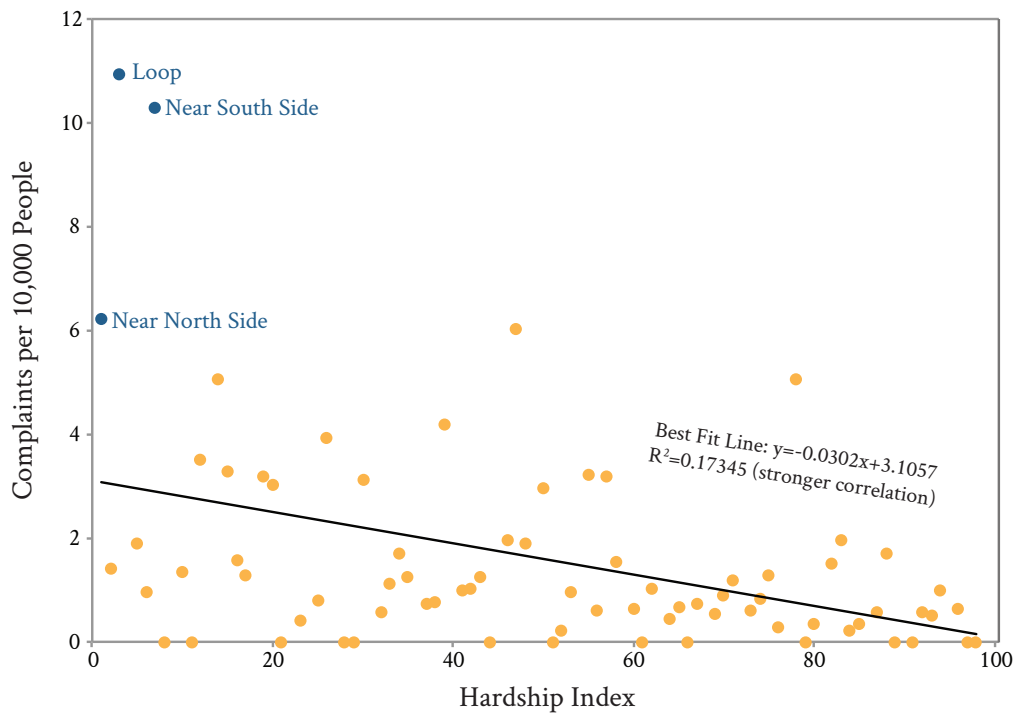
**Map 5.** This map details the distribution of housing discrimination complaints registered with the Commission on Human Relations. The locations of registered complaints are representative of the varying degrees of discrimination faced by HCV participants in different areas. While complaints are not necessarily restricted to opportunity areas, they are more pronounced in areas where there are fewer voucher holders on average.



### Complaint Rate Increases With Area Income



### Areas Where More Experience Hardship Have Fewer Complaints



## NEIGHBORHOOD ANALYSIS

### Geographies of Neighborhoods

To begin to address causality, we contextualize our data on the scale of individual community areas. The majority of the 76 community areas we analyzed<sup>20</sup> generated between zero and two housing discrimination complaints per 10,000 residents in the last five years. Nine communities have between two and four complaints per 10,000 residents. Seven areas have complaint rates significantly higher than the rest of the city. Three of these are in the center of the city: the Loop, Near North Side and Near South Side. Three are on the South Side: Douglas, Oakland and Hyde Park. The seventh is Rogers Park, on Chicago's Far North Side.

A 2011 fair housing test similarly measured the geographic distribution of discriminatory practices of housing providers across Chicago. Using a matched-pair test, white testers and black testers were sent to the same buildings under the guise of potential renters with vouchers. In total, 178 tests were completed to investigate source of income discrimination in opportunity areas in the North, Northwest, Central, South, and Southwest Sides of Chicago.<sup>21</sup> Housing providers in community areas in the Northwest Side discriminated against white testers 64% of the time while housing providers in the Loop (Central Chicago) discriminated against 67% of white testers.<sup>22</sup> The use of white testers in particular helps differentiate race-based housing discrimination from source of income discrimination.

The stories of HCV participants echo the significant number of reports of discrimination in the Loop. One HCV participant discussed how her daughter “had gotten a place in downtown Chicago [which was] very nice but they discriminated against her and they didn’t give it to her.”<sup>23</sup> Another HCV participant told her story of trying to rent an apartment on West Washington Street in the Loop:

*“[The building management] lied to me. They told me I had the place and that I could come get my keys only because I ended up having to report them.”*  
 – HCV Participant

While HCV participants specifically referenced the Loop, the significantly high complaint rate in adjacent areas demonstrates that discrimination is prevalent throughout the center of the city.

Comparing complaint rates to number of HCV households in an area shows that as HCV households increase, the complaint rate weakly decreases. This pattern supports the idea that the level of source of income complaints does not simply reflect the size of the HCV participant population in a neighborhood. Neighborhoods with many HCV participants may have lower levels of discrimination. This could reflect familiarity with the HCV program and greater population homogeneity, however this is complicated by fair housing tests demonstrating that housing providers still discriminate against HCV participants despite already having HCV

<sup>20</sup> O'Hare is not included in our analysis

<sup>21</sup> Chicago Lawyers' Committee for Civil Rights Under Law. Fair Housing Testing and Survey Project, 26.

<sup>22</sup> Ibid., 28.

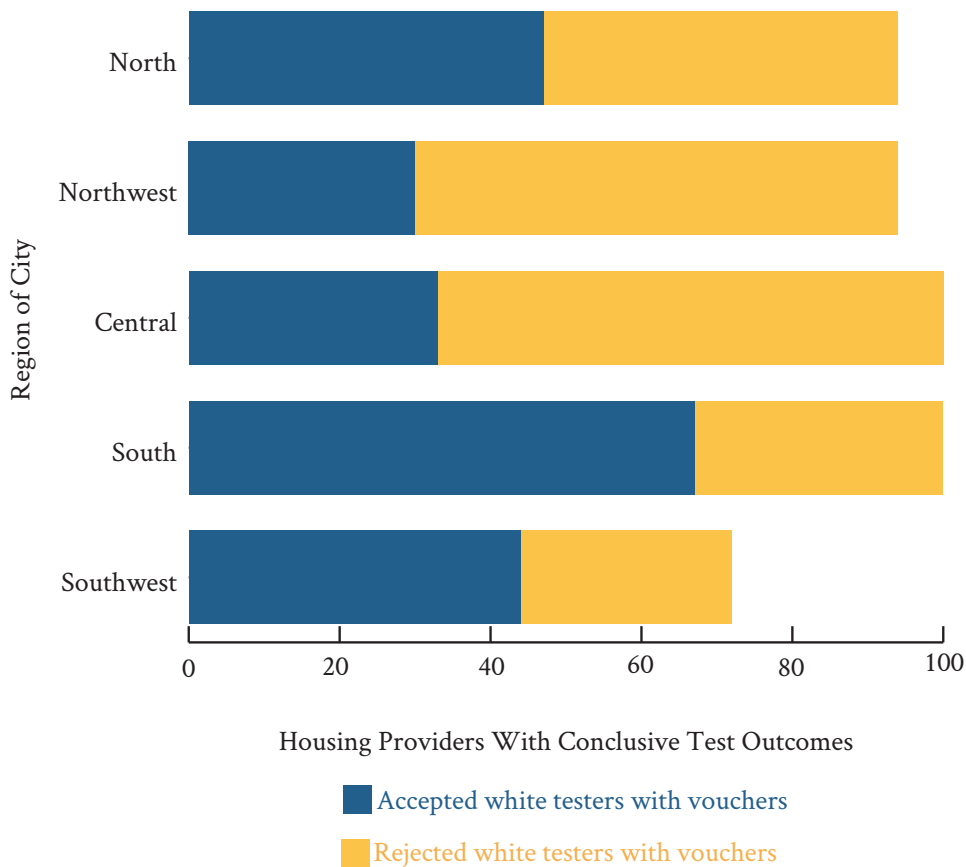
<sup>23</sup> National Public Housing Museum. HCV Storytelling Event.

participant tenants. Given that over 25% of the 799 online rental listings we analyzed engaged in steering HCV participants toward particular neighborhoods,<sup>24</sup> it could also be a more insidious product of residential segregation. Preconceived notions about class, race, and disability may make leaving certain areas especially difficult for HCV participants.

*“I’ve been looking for other places to move. Impossible. The amount of money that I make, there is no moving any place that would probably be better than where I am [in South Shore].”* – HCV Participant

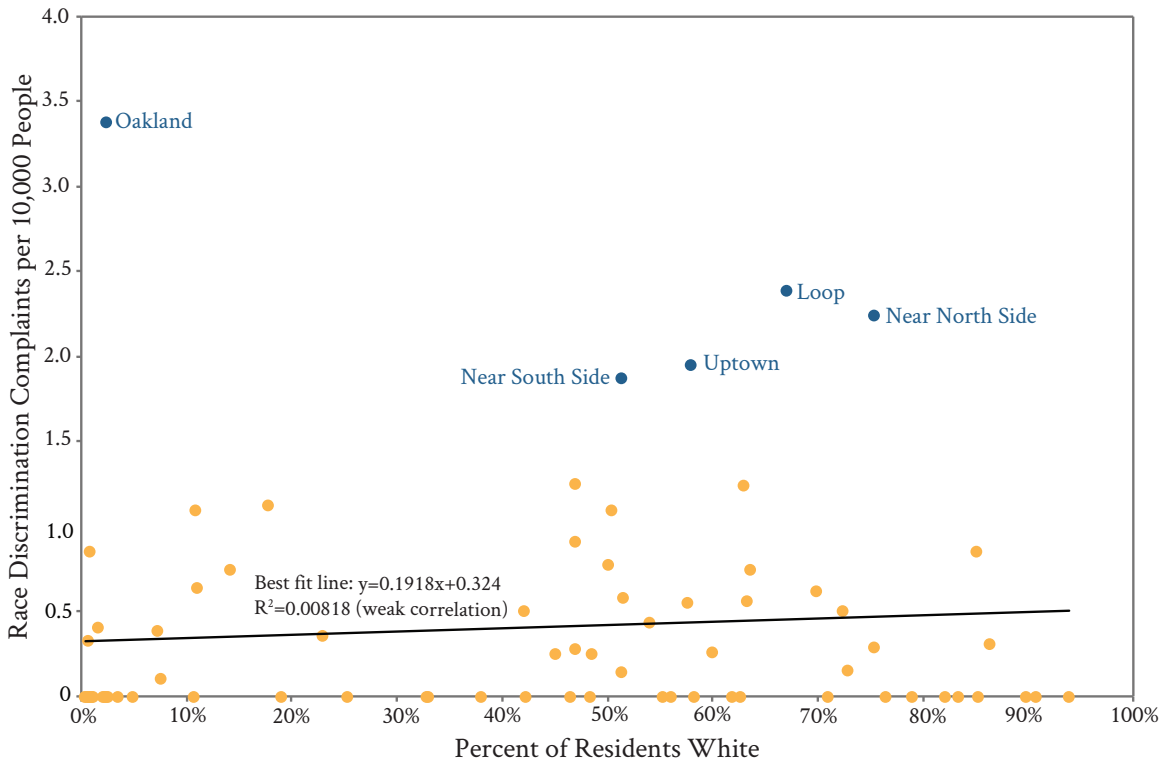
The testimonies of HCV participants echo the theme of feeling stuck in a neighborhood or particular area.<sup>25</sup> Despite the HCV program’s encouragement of mobility, these participants perceive some neighborhoods as inaccessible due to perceived discrimination or high costs. Another HCV participant describes her misconception of “thinking that the voucher program is gonna allow me to have my kids in a different neighborhood, a better neighborhood. Better schools. Show them better options in life so they can do better for themselves. Better than I can.”<sup>26</sup>

Source of Income Discrimination Is Prevalent Throughout City

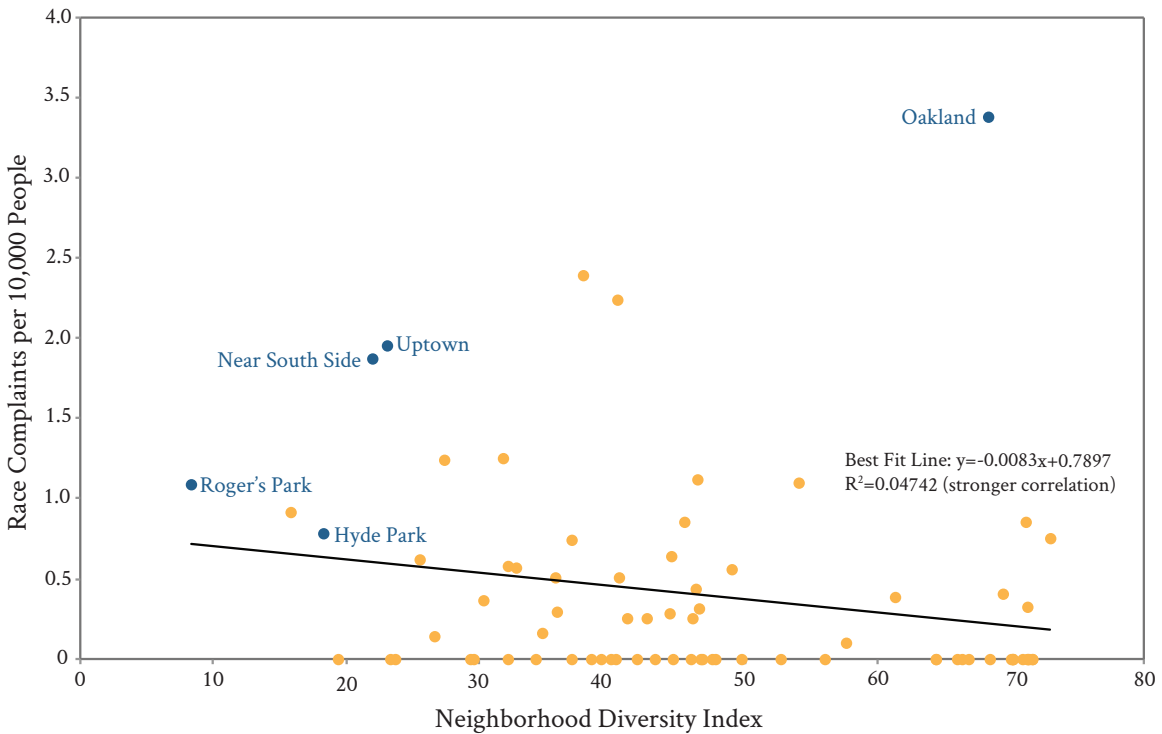


24 For this analysis, see *Online Housing Discrimination*  
 25 For more on this theme, see *Geographies of Opportunity*  
 26 National Public Housing Museum. HCV Storytelling Event

### Majority-White Areas May Be More Discriminatory



### Integrated Neighborhoods Have Higher Complaint Rates



## PERSISTENT ECONOMIC AND RACIAL DIVISIONS

### Impacts of Race and Class Discrimination on Housing Mobility

Considering the CHA's emphasis on economic mobility and the goals for mobility many HCV participants expressed, we found that there are more overall housing discrimination complaints in wealthier neighborhoods. To determine this, we compared both per capita income and 'hardship index,' a metric including income, overcrowding, unemployment, and households below the federal poverty line, to community area complaint rates.

Higher-income areas may be hostile to people seeking housing who are of a different race, class, ability status, national origin, or so on from the majority in that area: as the hardship index falls, complaint rates rise. Both hardship index and per capita income are significantly better correlated than source of income complaints and HCV participant population, suggesting that community area demographics provide a better explanation for the varied distribution of complaints throughout the city than the current locations of HCV participants.

The segregated geography of Chicago's neighborhoods may affect how people of color participating in the HCV program perceive certain neighborhoods as inaccessible, directly impacting their search for housing. Several HCV participants mentioned how race negatively impacted their ability to rent in certain areas of Chicago. One HCV participant describes her perception of the South Loop, an opportunity area that is supposed to be attracting minority voucher-holders.

*“A lot of blacks moved in the Loop area, in the opportunity areas. So you had a lot of feedback from a lot of whites and because of that—now they want us out.”*  
– HCV Participant

Another HCV participant similarly mentioned the Loop as a neighborhood that discriminates based on race. She discussed her experience with a specific building in the Loop, describing how “they’re kicking people of color out of that building and out of that particular region because it’s kinda saturated.”<sup>27</sup> These stories show how some HCV participants feel as if beyond source of income discrimination, they also face discrimination on the basis of their race.

The shared perception of these two HCV participants that the Loop discriminates based on race is supported by racial discrimination complaint data. When controlling for population, the Loop, Near North Side and Near South Side are again outliers, with significantly more race-based complaints per 10,000 residents than the rest of the city. One North Side neighborhood, Uptown, has a significantly higher complaint rate as well. Unlike source of income complaints, the Loop and surrounding areas do not have the highest race complaint rate in the city: Oakland has by far the highest rate of complaints alleging racial discrimination.

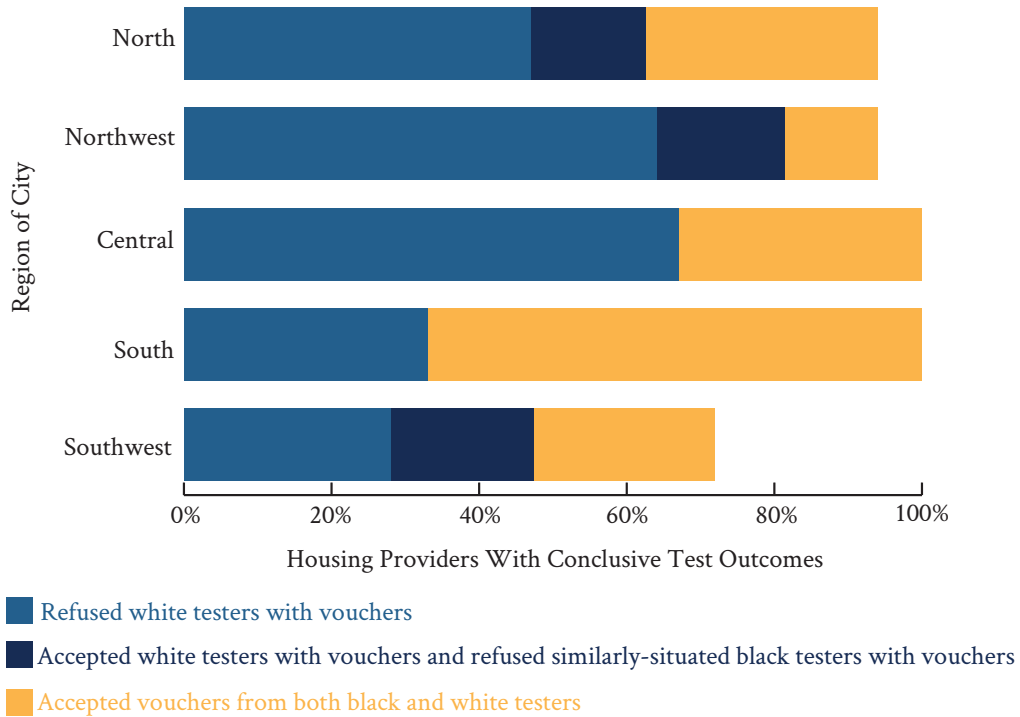
For all community areas, we see a slight correlation between the proportion of the area's population that is white and complaints of racial discrimination: as the area becomes increasingly white, complaints tend to rise.

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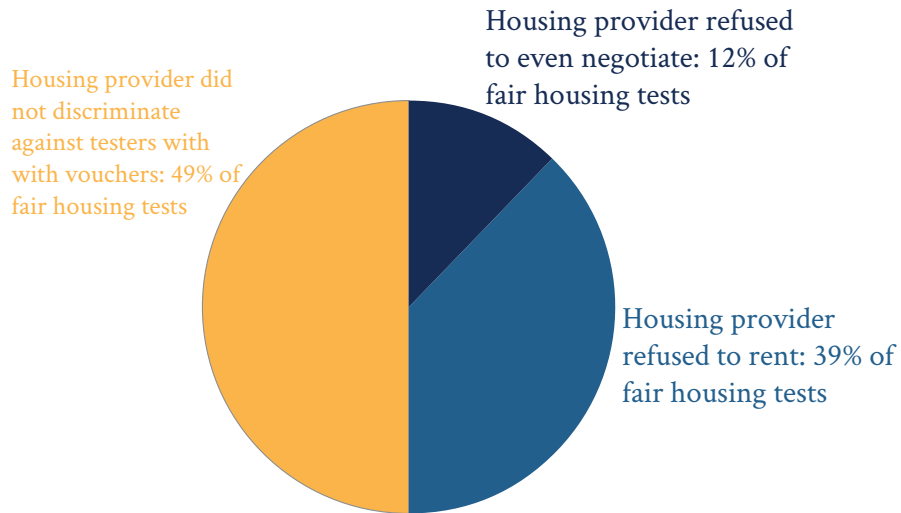
27 Ibid.

While this trend has some merit, it conceals nine majority-white community areas without any racial discrimination complaints in the past five years. There are fewer racial discrimination housing complaints overall--some neighborhoods across the full spectrum of racial demographics simply do not have any complaints. However, another explanation for the majority-white areas without complaints in the past five years could be that, while some HCV participants discussed their desire to move out of their current neighborhood, this does not necessarily mean that any

Black HCV Participants Face Additional Discrimination



Fair Housing Tests Reveal Widespread Discrimination





and all currently majority-white neighborhoods are desirable to HCV participants.

In a discussion around race-based housing discrimination in majority-white areas, one HCV participant dramatized the trade-off between living in a majority-white or majority-black area by saying, “You either deal with being shot by a gang, or having a cross burned on your lawn.”<sup>28</sup> As this statement and the general nods and murmurs of agreement that followed highlight, for some participants the social costs of navigating race-based residential segregation in Chicago are high enough to discourage attempts at integration.

There is some evidence to suggest that racial discrimination is most prevalent in more integrated areas. We calculated the Neighborhood Diversity Index<sup>29</sup> for each community area: the lower the index is, the more integrated the area.

We found a stronger correlation between this index and racial discrimination complaints than between proportion of white residents and racial discrimination complaints, though the correlation between per-capita income and complaints remains by far the strongest. As a neighborhood gets more integrated and the index falls, the complaint rate increases. This trend could support the idea that with demographic change comes racial tensions. It could also be indicative of there being more interracial interactions (and therefore more potential for racial discrimination) in more integrated neighborhoods.

The Chicago Lawyers’ Committee for Civil Rights Under Law used fair housing testing to determine whether HCV participants face racial discrimination in opportunity areas.<sup>30</sup> In this case, testers posed as HCV participants and potential renters with similar demographics aside from race. Black testers would visit buildings where white testers had previously been accepted with vouchers. When black testers went to properties that were available to white HCV participants, they were discriminated against 53% of the time. 55% of white testers themselves faced discrimination in many of these community areas on the basis of their source of income. Housing providers refused to rent to testers by denying housing based on source of income or refused to negotiate by not returning calls, giving vague answers about whether vouchers were acceptable, or creating policies that discourage HCV participants to apply.<sup>31</sup> Black HCV participants face additional discrimination and barriers to choice when seeking affordable housing in certain neighborhoods.

Overall, our analysis suggests that more effort should go into combatting residential discrimination in areas with high average incomes and low poverty rates. In particular, the data we see corroborates what HCV participants have reported about being unable to live in the city center. As the increased focus on mixed-income housing developments and the HCV program itself suggests, the CHA and various other stakeholders and policymakers see integration as crucial to socioeconomic mobility.<sup>32</sup> In order to reach this goal of a city integrated in terms of income and race, more work must be done to combat residential discrimination, and that work should particularly focus on the Loop, the Near North and Near South, Oakland, Douglas, Hyde Park and Rogers Park.

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28 National Public Housing Museum. HCV Storytelling Event

29 For more information on this measure, see *Geographies of Opportunity*

30 Chicago Lawyers’ Committee for Civil Rights Under Law. Fair Housing Testing and Survey Project, 28-30

31 *Ibid.*, 8

32 Metropolitan Planning Council. “Regional Housing Initiative.”; Chicago Housing Authority. Plan Forward: Communities that Work

## CONCLUSION

Our findings support HCV participants' claims that they face structural barriers to using their vouchers in certain opportunity areas. Many of the designated opportunity areas have a history of racial discrimination. The geographies of the past undoubtedly shape those of the present, and unfortunately the clear racial divide that characterized Chicago's housing market for the past 100 years has become more blurred by income.

Income or economic wealth has always and everywhere played a central role in determining who gets what and who lives where. However, racism often compensates for pure income effect by introducing class in the mix.

Fear of lost social status, on top of economic loss, was a crucial motivating factor for white Chicagoans employing various means to stave off integration. Integration guarantees the demise of racial status because it presupposes equality, and you would be at a loss if your status was higher than your neighbor's.

Status is synonymous with class. It is an extremely complex concept, and should be the topic of an additional study, but it is demonstrably important to better understanding the situation facing those whose status is considered less than desirable or in the minority. That situation involves a lack of social power whereby people in this position most simply lack influence and options.

Today, social status is not explicitly tied to race and the like; it is better determined by economic wealth. However, the social engineering injustices of the past have contributed to stunted economic growth within black and other minority communities, fostering a striking link between race and wealth where, collectively, minorities lag behind their majority peers. And because equality is lacking in pure economic terms, the issue of racial status continues to permeate our consciences and cloud our perceptions. This is markedly true for a number of the voucher holders who engaged with our research, who perceive their race as one of the barriers to accessing better quality housing via the Housing Choice Voucher program. The other factor is undoubtedly their source of income. Our testing has found that their status as low income is the most immediate barrier; however, once again, the spectre of racial inequality cannot be ignored because, in this country, race and wealth are linked.

But most importantly, the housing issues facing voucher holders and low income citizens of Chicago come back to a fundamental lack of choice. Because choice is scarce, opportunity is scarce as well. By providing a means towards better opportunity, the Housing Choice Voucher program gives its recipients the power of choice. However, these recipients must first be given the opportunity to exercise it.

# Geographies of Opportunity



# GEOGRAPHIES OF OPPORTUNITY

Expanding housing choice for low-income families is central to the Housing Choice Voucher (HCV) program.<sup>1</sup> Public housing authorities nationwide encourage families to move to economically-mixed neighborhoods and employ various strategies to expand housing opportunities for HCV participants.<sup>2</sup> Locally, the Chicago Housing Authority (CHA) promotes ‘Opportunity Areas’ as neighborhoods with access to quality housing, better schools and jobs, access to public transportation and low crime.<sup>3</sup> However, only 10.9% of HCV families currently reside within these Opportunity Areas.<sup>4</sup>

This section of the report investigates the complex relationship between neighborhood environment and life outcomes for HCV participants. We situate Opportunity Areas in Chicago historically and today, and examine their affordability to HCV participants. We reveal disparities in opportunity and choice for HCV participants, and call for the re-imagining of the current approach to designate Opportunity Areas.

## WHAT IS AN OPPORTUNITY AREA?

Opportunity Areas are defined as census tracts with (1) a poverty level of less than 20%, and (2) a concentration of subsidized housing in the neighborhood that is no more 5%.

*HCV Participant 1 “You gotta find an Opportunity Area.”*

*HCV Participant 2 “And the thing is, I’m just trying to stay where my son is in school...”*

*HCV Participant 1 “It’s gotta be an Opportunity Area..”*

*HCV Participant 2 “I’m just trying to stay where my job is so I can be there... I’m just trying to stay where it’s easy, where it’s simple.”*

<sup>1</sup> US Government Publishing Office. 42 U.S. Code § 1437f Low-income housing assistance

<sup>2</sup> Cunningham. CHAC Mobility Counseling Assessment: Final Report

<sup>3</sup> Chicago Housing Authority. “Mobility Counseling Program”; Moore. “CHA Pilots Section 8 Program To Incentivize Landlords”

<sup>4</sup> CPRT analysis using Chicago Housing Authority. HCV Geolocations; U.S. Census Bureau. Census Tract Data (Chicago); Chicago Housing Authority. 2010 Census Tract by Opportunity Area Status

## HISTORY OF OPPORTUNITY AREAS

The origin of the current definition of ‘Opportunity Area’ is unknown.<sup>5</sup> However, its roots lie in two programs, Gautreaux (1970s) and Moving to Opportunity (1990s), which framed housing choice for HCV participants around race and poverty.<sup>6</sup>

### Gautreaux

The Gautreaux program emerged from a 1966 lawsuit accusing CHA of perpetuating racial segregation in Chicago. Aldermen of majority-white, affluent areas opposed the construction of public housing complexes in their neighborhoods, so CHA built them in predominantly black areas instead.<sup>7</sup> Public housing residents accused CHA of “concentrating” black families in these high-poverty, majority-black neighborhoods.<sup>8</sup> In 1976 the Supreme Court ruled in the residents’ favor, and ordered the CHA to “remedy” the segregation they had “imposed” on black families.<sup>9</sup>

The vision of “opportunity” that emerged from the Gautreaux case was defined by race and segregation. A “better” neighborhood was defined as a racially-integrated neighborhood.<sup>10</sup> The Gautreaux ruling divided the Chicago region into “general areas” (less than 30% black), and limited areas (more than 30% black).<sup>11</sup> CHA was prohibited from constructing public housing in limited areas, and instead provided vouchers to place 7,100 black families in general areas.<sup>12</sup> The majority of Gautreaux families settled in the more integrated, majority-white suburbs of Chicago.<sup>13</sup>

In general, Gautreaux families experienced positive life outcomes after moving to the suburbs. Their children were less likely to drop out of high school and were more likely to attend college.<sup>14</sup> More than twenty years after their original moves, two-thirds of Gautreaux families who were placed in the suburbs still reside there.<sup>15</sup> The children of these families continue to reside in these low-poverty, more integrated communities as well.<sup>16</sup>

However, in 1981, another court ruling altered Gautreaux’s vision of opportunity, “retreating” from its original anti-segregation stance.<sup>17</sup> This ruling allowed CHA to construct public housing in “revitalizing areas”: majority-black neighborhoods that were showing signs of economic growth and thus supposedly on the path to integration.<sup>18</sup> More importantly, it signalled a shift in the definition of “opportunity” from a focus on race to a focus on class.

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5 Ludwig. “Interview with Katie Ludwig (Chief Housing Choice Voucher Officer).” Telephone interview by author

6 Illinois Assisted Housing Action Research Project. *Are We Home Yet? Creating Real Choice for Housing Choice Voucher Families in Chicago*, 11

7 Pattillo. *Black on the Block: The Politics of Race and Class in the City*, 188

8 Illinois Assisted Housing Action Research Project. *Are We Home Yet? Creating Real Choice for Housing Choice Voucher Families in Chicago*, 7

9 Abt Associates Inc. and National Bureau of Economic Research. *Moving to Opportunity: Interim Impacts Evaluation*, v

10 Duncan. *Mobility Lessons from Gautreaux and Moving to Opportunity*, 111

11 Pattillo. *Black on the Block: The Politics of Race and Class in the City*, 185

12 Cunningham. *Moving to Better Neighborhoods with Mobility Counseling*, 2

13 Duncan. *Mobility Lessons from Gautreaux and Moving to Opportunity*, 113

14 Cunningham. *Moving to Better Neighborhoods with Mobility Counseling*, 2

15 Duncan. *Mobility Lessons from Gautreaux and Moving to Opportunity*, 113

16 Ibid.

17 Pattillo. *Black on the Block: The Politics of Race and Class in the City*

18 Ibid.

## Moving to Opportunity

This conceptual shift from race to class continued with Moving to Opportunity (MTO), a program launched by HUD in the 1990s in five cities, including Chicago. MTO was a randomized experiment testing whether moving to low-poverty neighborhoods led to positive outcomes for low-income families.<sup>19</sup> While racial segregation was Gautreaux’s focus, MTO targeted only class: MTO provided families the opportunity to move to affluent neighborhoods (those with poverty rates below 10%).<sup>20</sup>

While about 90% of Gautreaux families moved more than 10 miles away from their old neighborhoods, only 16% of MTO families did so.<sup>21</sup> Many families moved to slightly more affluent neighborhoods, but still highly segregated by race and close to their original neighborhoods. In some cases, children ended up attending the same schools as before.<sup>22</sup> In its first round of evaluation, MTO mothers and daughters saw improved outcomes related to physical and mental health.<sup>23</sup> However, MTO families were nearly indistinguishable from control group families when it came to outcomes related to employment<sup>24</sup> and education.<sup>25</sup>

Long-term studies and recent scholarship have pushed back against the perception of MTO as a failure. Young children who moved with their families saw significantly higher college attendance rates, higher job earnings as adults, and more stable families.<sup>26</sup>

## UNDERSTANDING ‘OPPORTUNITY’ TODAY

The definition of “opportunity”—what makes a neighborhood a better place to live—has evolved since the Gautreaux ruling in 1976. Since then, opportunity has been increasingly framed by class, with low poverty rates and low concentrations of subsidized housing identified as desirable neighborhood characteristics.

It is unclear whether this shift in defining opportunity benefits low-income families. Despite perceptions that the MTO program was weaker than Gautreaux, both programs increased opportunity for some HCV participants.

HUD’s evaluation of the MTO program acknowledges that “poverty rate, while important, may be an overly simplistic way to characterize neighborhoods.”<sup>27</sup> The economic indicators that frame success of a neighborhood do not necessarily translate to enhanced opportunity to improve quality of life outcomes or expand housing choice and mobility for low-income families and HCV participants.

19 Abt Associates Inc. and National Bureau of Economic Research. Moving to Opportunity: Interim Impacts Evaluation

20 Duncan. Mobility Lessons from Gautreaux and Moving to Opportunity

21 Semuels. Is Ending Segregation the Key to Ending Poverty?

22 Ibid.

23 Turners. Promoting Neighborhood Diversity: Benefits, Barriers, and Strategies

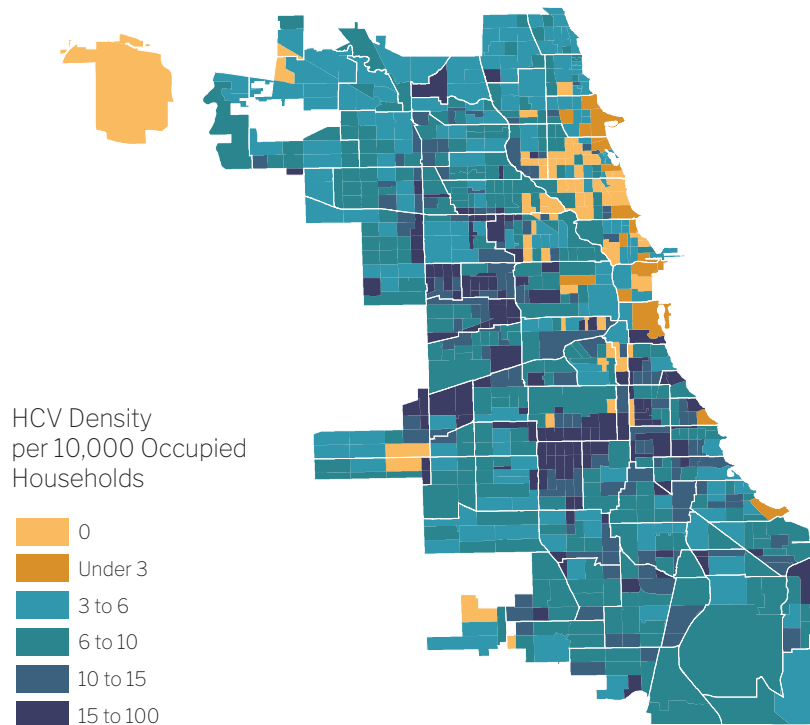
24 Duncan. Mobility Lessons from Gautreaux and Moving to Opportunity

25 Illinois Assisted Housing Action Research Project. Are We Home Yet? Creating Real Choice for Housing Choice Voucher Families in Chicago

26 Chetty. The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment, 2.

27 Abt Associates Inc. and National Bureau of Economic Research. Moving to Opportunity: Interim Impacts Evaluation

## Density of HCV Households by Census Tract



**Map 1.** Using current CHA voucher holder locations, the density of HCV households per 10,000 occupied units in each census tract reveals that opportunity is not evenly dispersed across Chicago.

## AFFORDING OPPORTUNITY

Most HCV participants pay 30% of their adjusted monthly income towards rent and utilities.<sup>28</sup> The voucher subsidizes the remainder of the rent, up to a maximum payment standard.<sup>29</sup> CHA determines payment standards using rent price estimates called Fair Market Rates (FMRs). The U.S. Department of Housing and Urban Development (HUD) calculates FMRs for properties in Chicago using rent prices from across the Chicago-Joliet-Naperville Metro Area. In general, CHA is required by HUD to set the payment standard for vouchers between 90 and 110% of the 50th percentile FMR for the region.<sup>30</sup>

Approximately 60% of advertised properties across the city do not have a single unit affordable to any HCV participant, even those receiving the maximum allowable subsidy.

Given Chicago's rental market varies between neighborhoods, higher subsidies are necessary to increase housing choice and mobility in Opportunity Areas. CHA increases the maximum subsidy available to HCV participants searching for housing in these areas to 150% FMR.<sup>31</sup>

<sup>28</sup> Chicago Housing Authority. "Housing Choice Voucher (HCV) Program"

<sup>29</sup> Chicago Housing Authority. "Fair Market Rents and Payment Standards FY 2017"

<sup>30</sup> Ibid.

<sup>31</sup> Chicago Housing Authority. "Exception Payment Standard"

## CALCULATING FAIR MARKET RENT

HUD calculates FMRs annually for 530 metropolitan areas and over 2,000 non-metropolitan areas nationwide. FMR is derived for all unit sizes using estimates of 2-bedroom unit rent from the American Community Survey. HUD adjusts these calculations using rents paid by recent movers alongside national trends in the rental market.

We conducted an analysis of the Chicago rental market in April 2017 to explore geographies of rental affordability contextualized by the current maximum subsidy. Data was collected for all properties in the city of Chicago containing one or more available rental units advertised on Apartments.com at a single point in time (n=2,669). We found that the maximum subsidy available to HCV participants is too low to rent any unit within a majority properties across Chicago.

Housing choice is dramatically constrained by the maximum subsidy, both outside Opportunity Areas and within them. Outside Opportunity Areas, 59.8% of all properties are not affordable to those receiving the standard maximum subsidy. Within Opportunity Areas, 59.1% of all properties are not affordable to those receiving the maximum subsidy under the Exception Payment Standard.

Relative to FMR, median minimum rent for properties with studio, one- and two-bedroom units in each ZIP Code are closely correlated, but vary significantly between ZIP Codes.

Since FMR incorporates bedroom count as a factor, it reasonably corrects for the impact of bedroom count to rental price. This is illustrated by limited variability within a single ZIP Code (Figure 1). However, since it does not account for geographical location, there is extreme variability across ZIP Codes, suggesting rapidly decreasing housing choice for increasingly desirable neighborhoods. There is strong evidence that ZIP Code is a strong explanatory variable for the variability of rental price.

Few properties in Opportunity Areas advertise any units below the current maximum subsidy. Limited affordability of housing in Opportunity Areas does not support the purpose of the HCV program to promote economically-mixed housing choices.<sup>32</sup> If HCV participants cannot afford units in Opportunity Areas, housing choice near workplaces, schools, and other amenities and services is likely to be limited.

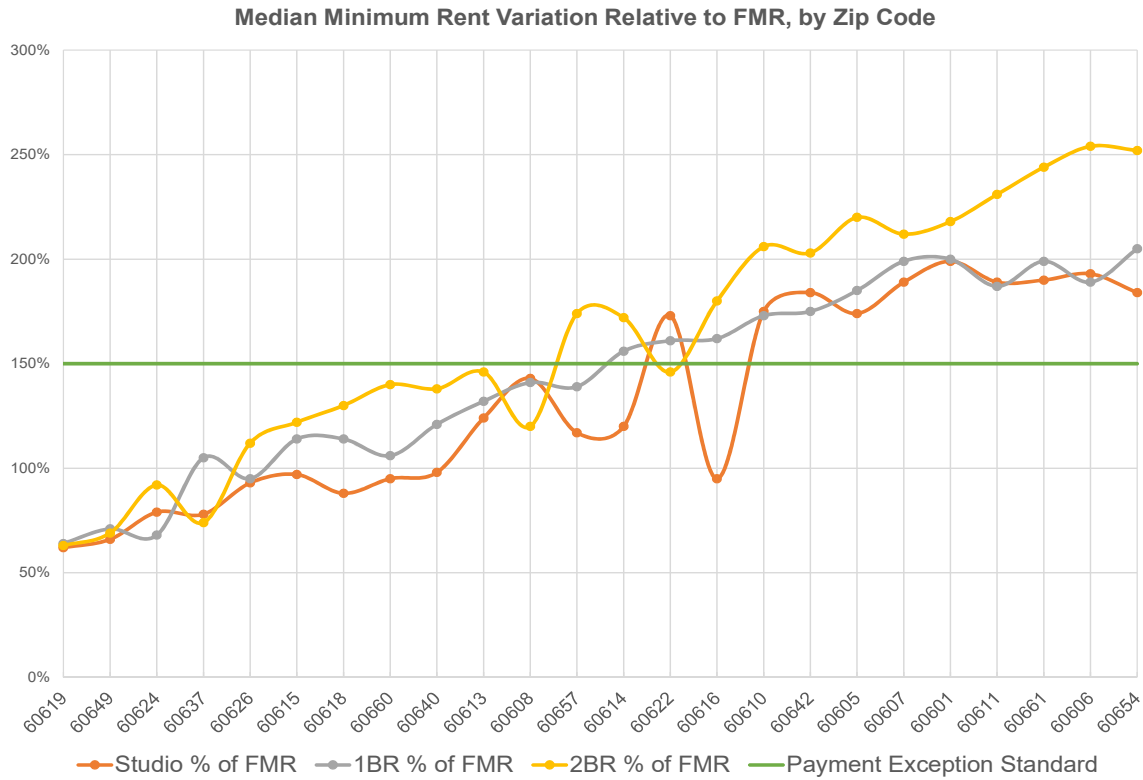
HUD has proposed calculating FMRs by ZIP Codes, rather than by metropolitan area.<sup>33</sup> HUD's Small Area FMR Demonstration Program has shown promise in places like Dallas, TX.<sup>34</sup> While rents in Chicago do vary by ZIP Code, it is possible that even smaller areas might be required to expand housing choice to HCV participants and could further increase the complexity of the HCV program.

<sup>32</sup> US Government Publishing Office. 42 U.S. Code § 1437f Low-income housing assistance

<sup>33</sup> U.S. Department of Housing and Urban Development. "HUD's Proposed Rule on Small Area Fair Market Rents"

<sup>34</sup> Collinson. The Incidence of Housing Voucher Generosity, 4





**Figure 1.** This figure illustrates the common within-group variation and disconnected between-group variation of median minimum rent relative to FMR for individual ZIP Codes.

<i>Median Rent, by Opportunity Area Status</i>					
Opportunity Area	Bedrooms	Count	Median		
			Minimum Rent	Maximum Subsidy	% Unaffordable
Yes	0	386	\$1,215	\$1,368	44.80%
	1	400	\$1,700	\$1,582	62.50%
	2	346	\$1,955	\$1,848	59.50%
	3	358	\$2,633	\$2,353	70.40%
No	0	252	\$875	\$839	61.90%
	1	251	\$1,098	\$1,044	61.40%
	2	303	\$1,383	\$1,207	63.70%
	3	307	\$1,500	\$1,459	53.10%

**Figure 2.** This figure shows that renting a unit in Opportunity Areas and Non-Opportunity Areas alike cost HCV participants more than they can afford. While Opportunity Areas become less affordable with increased bedroom size, Non-Opportunity Areas become more affordable.

## Small Area Fair Market Rent in Dallas, TX

Dallas Housing Authority implemented small area FMR based on ZIP Code in 2011. Under this policy, housing mobility has increased and HCV participants have moved to higher-income neighborhoods with lower crime rates and higher school performance.<sup>1</sup>

<sup>1</sup> Collinson. The Incidence of Housing Voucher Generosity.

This finding indicates that utilizing the 50th percentile of FMR for the Chicago-Joliet-Naperville Metro Area may be inefficient, unreasonable, and limit housing choice. Given the high variance in rent between ZIP codes, further research is required to evaluate the efficacy of metro area FMR estimates to determine maximum subsidies in Chicago. CHA already acknowledges that Chicago has a “unique rental market”,<sup>35</sup> and subsequent evaluation may reveal that calculating FMR estimates across smaller geographies is more appropriate in the Chicago market.

## RE-IMAGINING ‘OPPORTUNITY’

The current definition for Opportunity Areas is clear, simple, and concise, focusing on two economic characteristics of a neighborhood. However, this definition of ‘opportunity’ overlooks vital predictors of success for HCV participants themselves.

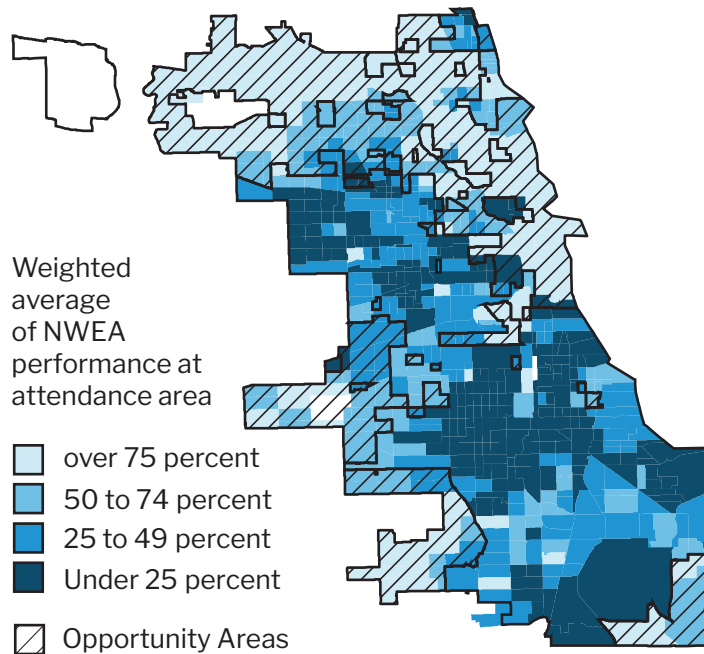
A neighborhood’s poverty rate and saturation of subsidized housing are valuable indicators of its economic stability. However, HCV participants, like any other residents of a neighborhood, value certain neighborhood characteristics over others. In focus groups, HCV participants expressed that a significant challenge for HCV families with children is accessing quality schools. HCV participants at the National Public Housing Museum Storytelling Event made clear that they prioritized living in safe neighborhoods with low violent crime rates. However, the current definition of Opportunity Areas does not guarantee these desirable neighborhood characteristics.

<sup>35</sup> Chicago Housing Authority. “Exception Payment Standard”

## Education

The MTO program demonstrates that moving from high-poverty neighborhoods to low-poverty areas improves college attendance rates and future earnings.<sup>36</sup> Schools in Opportunity Areas report generally higher academic outcomes than schools outside these areas.<sup>37</sup> Despite the HCV program promoting increased mobility, its participants live no closer to high-performing schools than other low-income households.<sup>38</sup>

There are disparities between the quality of education provided to children in majority-white communities and children in communities of color.<sup>39</sup> Schools in these communities typically have fewer resources, staff, supplies, and course offerings.



Source: Open City

**Map 2.** Because opportunity areas are defined by poverty and density of affordable housing, other variables for success in a child's life, like education, do not perfectly align with Opportunity Areas.

It is well-understood that students with the same aptitude will have diverging academic outcomes based on geographies of opportunity. This is demonstrated in the CPS selective enrollment high school selection process. In order to select academically advanced students, each census tract is rated against indicators including median household income, school test scores, homeownership rates, and other factors and these data are taken into consideration when assessing student test scores for entry.<sup>40</sup> CPS policy demonstrates that academic performance must be contextualized by geographies of educational opportunity.

In coordination with Housing Choice Partners, CHA is exploring the use of Great Schools ratings as a consideration in a potential mobility program.<sup>41</sup> Further research is required to explore whether services like these or increased subsidies for areas of educational opportunity would expand access to educational choice for HCV participants.

<sup>36</sup> Chetty. The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Project

<sup>37</sup> Galster. Neighborhood effects on secondary school performance of Latino and African American youth: Evidence from a natural experiment in Denver.

<sup>38</sup> Horn. "Do Housing Choice Voucher Holders Live Near Good Schools?"

<sup>39</sup> Schmid. The 2008 State of Fair Housing In the Six-County Chicago Region.

<sup>40</sup> Chicago Public Schools. "Office of Access and Enrollment"; Eder. "Chicago Public School Tiers"

<sup>41</sup> Ingrid. "Why Don't Housing Choice Voucher Recipients Live Near Better Schools?"; Juracek. "Interview with Andrea Juracek (Associate Director, Housing Choice Partners)" Email interview by author

## Violence

Neighborhood safety is an important consideration for HCV participants. Violent crime near schools negatively impacts academic achievement.<sup>42</sup> It also disrupts social structures and results in negative health outcomes for youth.<sup>43</sup>

*“I do not want to be running and dodging bullets. It’s not as bad as what Donald Trump is saying, but it’s almost there. And I don’t want to be running and jumping and getting all scared to have people coming to my house to visit because of gangs. I have sons, you know? I don’t want my kids coming through territory with these folks shooting. I want to be at least where I am safe, my animals are safe, and when my children want to come to see me, where they are safe. And right now, in the Loop area, it’s safe. Is there anything that could be done about that? That’s what I want to know.”*

*—HCV Participant*

Homicides are less common in Opportunity Areas. Since most HCV participants live outside these areas, they are more likely to be exposed to the deleterious consequences of violent crime.

*“When I come back from church or doing some volunteer[ing] in the nighttime, I shouldn’t be afraid to get off the bus, looking down the alley to see any activity there. This is home, I should feel comfortable in my home.”*

*—HCV Participant*

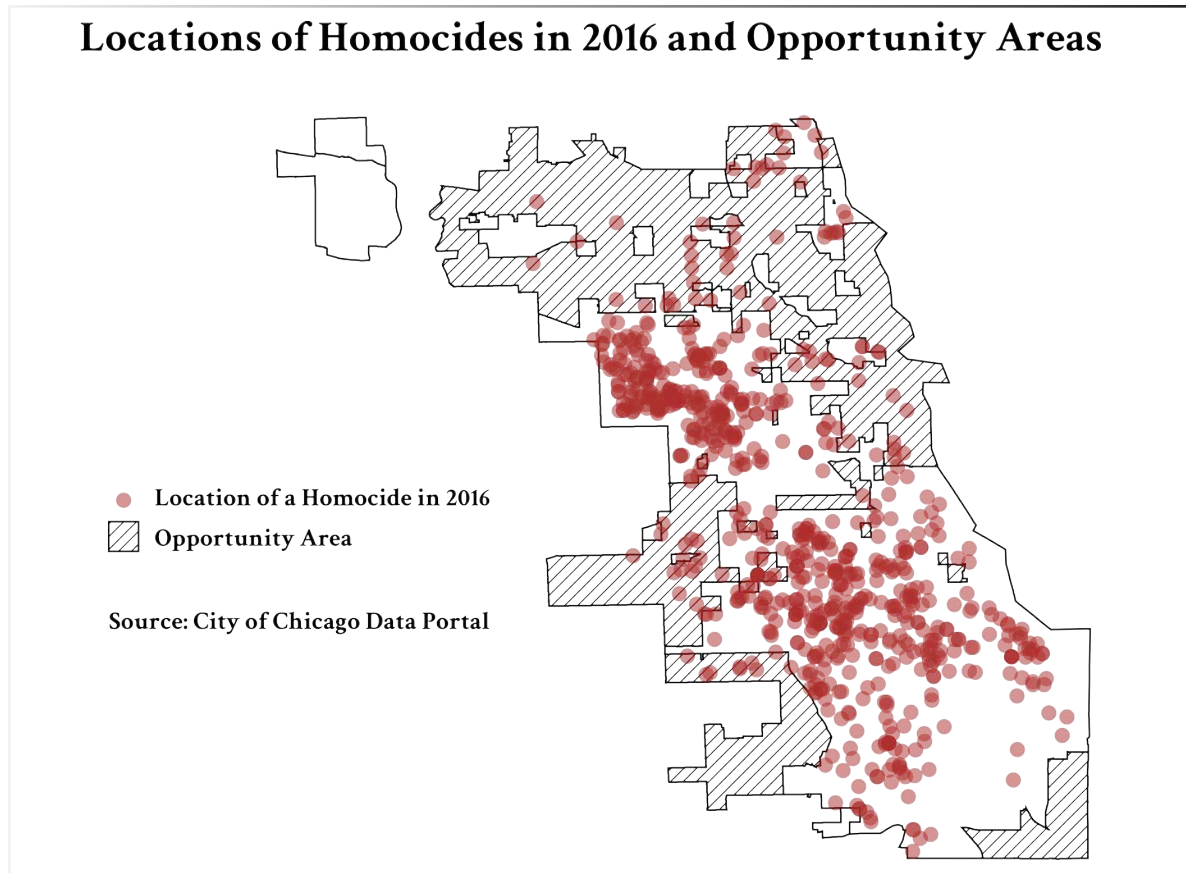
Including violent crime rates in the definition of Opportunity Area may expand housing choice for HCV participants and will result in positive quality of life outcomes. Encouraging low-income families to live in safer neighborhoods will enable HCV participants to lead healthier lives, both physically and psychologically. Children growing up in safer neighborhoods will perform better in schools and experience greater economic success and stability. Families will also experience a greater sense of security in their homes in safer neighborhoods.<sup>44</sup>

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<sup>42</sup> Burdick-Will. “School Violent Crime and Academic Achievement in Chicago”

<sup>43</sup> Morris. The Causes of Violence and the Effects of Violence On Community and Individual Health

<sup>44</sup> Chetty. The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Project



**Map 3.** The locations of homicides last year tell the story of concentrated violent crime in Chicago’s non opportunity areas; and yet, this is where the most HCV holders live.

## Transportation & Walkability

Proximity matters. Walkability and convenient public transportation increases access to amenities and jobs, driving economic growth.<sup>45</sup> Convenient public transit options also increase access to health and human services, improving life outcomes for residents.<sup>46</sup>

*“I like the area that I’m in. I’m in Hyde Park—everything is convenient. All the stores are within walking distance, there’s great transportation.”*

*— HCV Participant*

To increase the number of residents that have access to these benefits, the City of Chicago passed a Transit-Oriented Development ordinance providing lucrative incentives for developers that increase availability and density of housing units close to rail stations. To qualify for incentives, properties must be within one-quarter of a mile from a station with regular zoning, or half a mile on streets with pedestrian designation.<sup>47</sup>

However, even using half a mile as a guide, fewer than 35% of HCV participants live within

<sup>45</sup> United States Environmental Protection Agency. “Smart Growth and Transportation”; American Public Transportation Association. “Facts”

<sup>46</sup> American Public Transportation Association. “Public Transportation: Benefits for the 21st Century”

<sup>47</sup> Metropolitan Planning Council. “Equitable Transit-Oriented Development”

half a mile of a Chicago Transit Authority (CTA) ‘L’ station, and more than 40% live more than a mile from one. Though HCV participants indicate they value transit and walkability, these metrics are symptomatic of restricted housing choice.

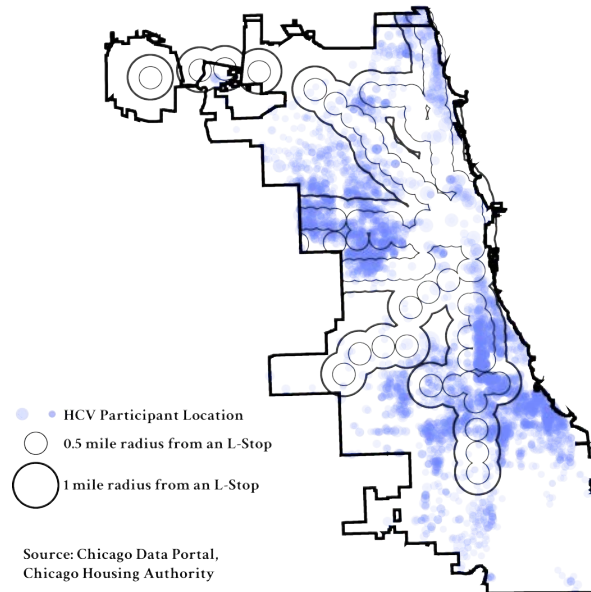
As transit-oriented incentives improve provision of units close to transit by developers, transit-oriented incentive schemes for HCV participants such as transit-oriented subsidy enhancements deserve further research to improve housing choice and mobility for low-income families.

## Proximity to CTA ‘L’ Stations

Percent of households living within 0.5 miles of train stop: 34.4%  
 Percent of households living within 1 miles of train stop: 57.8%  
 Percent of households living within 2 miles of train stop: 82.4%  
 Percent of households living over 2 miles from train: 17.6%

**Map 4.** The majority of households live within one mile of an L-stop, but almost one in five residents live two or more miles away.

HCV Participants and their Proximity to Public Transportation (L-Stops)



## Segregation

**87.1% of HCV participants in Chicago are black. Most live in highly-segregated, majority-black neighborhoods outside Opportunity Areas.**

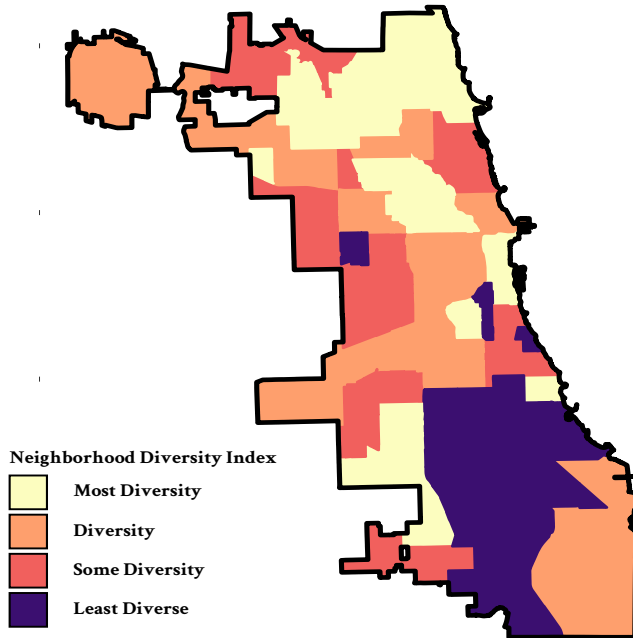
Racial concentration as an indicator of opportunity has fallen out of favour since Gautreaux. However, as visible in outcomes for families that live in racially segregated neighborhoods, it has not lost its relevance in interpreting opportunity.

Despite decreases in segregation since 1990, Chicago has consistently been ranked in the top 10 most racially segregated U.S. metropolitan areas, and currently ranks fifth in racial and economic segregation.<sup>48</sup> Almost all highly-segregated, high-poverty neighborhoods in Chicago are majority-minority, and in these areas the costs of segregation are most visible.<sup>49</sup> High levels of segregation are associated with lower economic growth rates for metropolitan areas, both

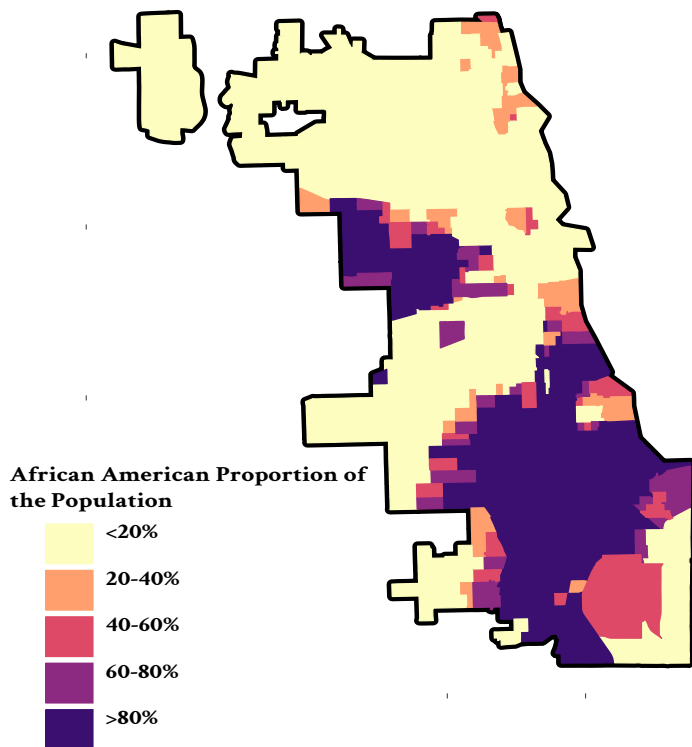
<sup>48</sup> Metropolitan Planning Council. “The Cost of Segregation”

<sup>49</sup> Turner. Promoting Neighborhood Diversity: Benefits, Barriers, and Strategies

### Segregation by Community Area



### African American Population



## Modeling Segregation

To model segregation in Chicago, we used the Neighborhood Diversity Index (NDI). Standard statistical indexes for modeling racial segregation usually take only black and white residents into consideration.<sup>1</sup> However, in a racially diverse city like Chicago, these models are inadequate. The NDI takes multiple racial groups into account, and has been used previously to analyze segregation in Chicago.

We compared the proportion of black, white, Latino, and Asian residents in a census tract to the proportion of each group in Chicago as a whole. The most integrated areas are tracts whose racial demographics most resemble the demographics of the city. On the NDI scale, the most integrated tract scores 0 and the most segregated scores 100. We estimate a score for defined Community Areas as the median value of NDI scores for all census tracts within each area.

The median NDI for Chicago is 47.45. The most integrated Community Area is Rogers Park (15.78), and the most segregated is Armour Square (74.75).

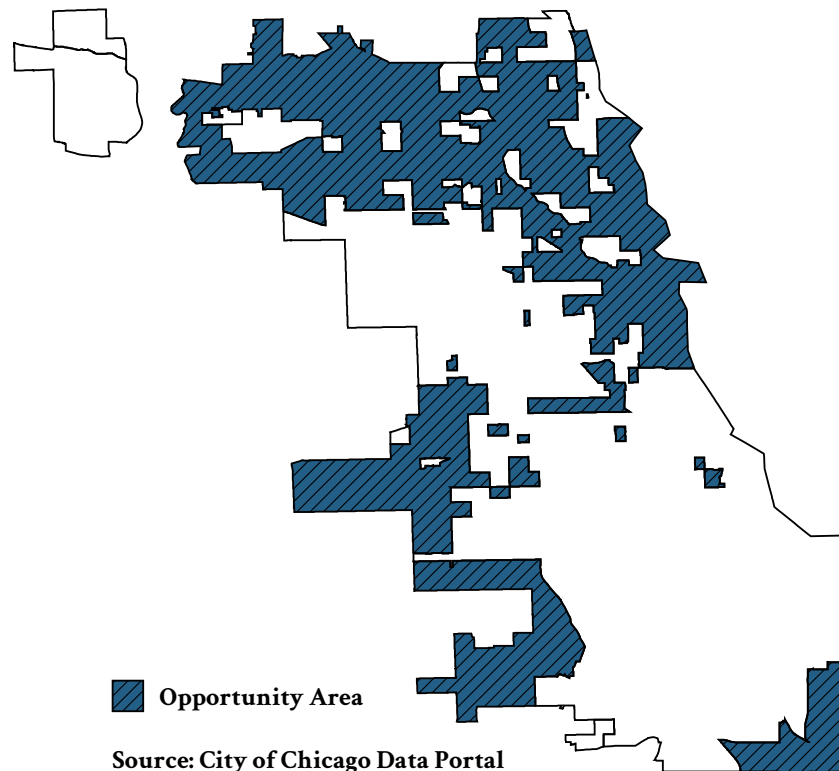
<sup>1</sup> Maly. "The Neighborhood Diversity Index: A Complementary Measure of Racial Residential Settlement".

in the short- and long-term.<sup>1</sup> Students in highly-segregated, high-poverty neighborhoods experience lower education outcomes.<sup>2</sup> Preschool-aged children in these neighborhoods show more aggressive behavior than those in higher income neighborhoods.<sup>3</sup> The more integrated a neighborhood, the larger the proportion of residents holding bachelor degrees is, and this holds for both black and white residents.<sup>4</sup> Residential segregation is a major force behind “black-white inequalities in health,” and the fact that many segregated neighborhoods are also food deserts leads to poor nutritional outcomes.<sup>5</sup>

There are other reasons why HCV participants might choose to live in segregated neighborhoods beyond source of income discrimination and affordability. Living in an integrated neighborhood with relatively high levels of amenities is not necessarily desirable when coupled with racial discrimination, a fact even affecting the housing choices of more affluent black residents.<sup>6</sup>

Whilst there are barriers to HCV participants moving to less-segregated neighborhoods, the potential benefits of doing so are clear. Current policy that ignores racial segregation may be serving to perpetuate it at the expense of opportunity for HCV participants.

## Opportunity Areas in Chicago



- 1 Huiping. Residential Segregation, Spatial Mismatch and Economic Growth across US Metropolitan Areas
- 2 Metropolitan Planning Council. “The Cost of Segregation”
- 3 Turner. Promoting Neighborhood Diversity: Benefits, Barriers, and Strategies
- 4 Metropolitan Planning Council. “The Cost of Segregation”
- 5 Williams. Racial Residential Segregation: A Fundamental Cause of Racial Disparities in Health, 413
- 6 Eligon. “Affluent and Black, and Still Trapped by Segregation.”



# Accessibility & Affordability



## ACCESSIBILITY & AFFORDABILITY

The distribution of accessible housing in Chicago is uneven and limited. Accessible housing is often more expensive and is not affordable to many low-income families. These constraints on housing choice create barriers to opportunity for Housing Choice Voucher (HCV) participants searching for accessible housing units that meet their mobility needs. Regulations governing the HCV program do little to acknowledge these barriers and leave individuals with disabilities unable to secure accessible housing units that they can afford.

This section of the report investigates the barriers households with disabilities face, the distribution of accessible housing stock in Chicago, and the potential for the Exception Payment Standard policy to expand housing choice for households with disabilities. We analyze the rental market for accessible housing units in the city of Chicago and contextualize our findings with the policy limitations that constrain the housing search for HCV participants to underscore the need to expand subsidies for households with disabilities.

### THE IMPORTANCE OF ACCESSIBLE & AFFORDABLE HOUSING

*“They jacked the rent up to market rate and they know we can’t pay 150% or 300% so that’s a cute way of saying “get out” and you can’t sue them. So my reasoning for being here tonight is literally ‘where can I go now’ cause I’m not going back to the ‘hood.” — HCV Participant*

The U.S Department of Housing and Urban Development (HUD) defines an individual with a disability as “a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.”<sup>1</sup> This definition is codified in the Americans with Disabilities Act of 1990 (ADA), which protects individuals who fit this description and those who have relationships and associations with such persons.

While the ADA only protects individuals with disabilities in public spaces, the Fair Housing Act (FHA) prohibits discrimination against persons with disabilities in both private and public housing. Under the FHA, practices of discrimination include differential application criteria and charging higher rental fees for persons with disabilities. The FHA also requires housing providers to make reasonable accommodations for persons with disabilities. These accommodations may include changes in policies so that persons with disabilities have equal opportunity to access and enjoy a living or common space. An example of a policy accommodation would be reserving a parking spot for a tenant that is located in close proximity to their unit, even if parking spots cannot typically be reserved.

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<sup>1</sup> U.S. Department of Housing and Urban Development. “Disability Rights in Housing”

Reasonable accommodations also require housing providers to allow tenants to make reasonable modifications to their homes or housing-related facilities. Such structural changes may include the addition of a grab bar in the bathroom or the installation of a ramp at the building's entrance. These modifications are typically made at the tenant's expense. In the case of federally-assisted housing, however, the housing provider is required to pay for the modification unless the circumstance is

determined to impose an undue financial or administrative burden. All buildings consisting of four or more units with an elevator built for first occupancy after March 13, 1991 must comply with accessible housing requirements under the FHA.<sup>2</sup>

Many people with disabilities face the financial burden of limited employment due to physical or mental limitations. In 2015, 32% of persons with disabilities worked part-time (rather than full-time), compared to 18% for persons without disabilities.<sup>3</sup> The reduction in earning potential for disabled, part-time workers in relation to their able-bodied, full-time counterparts presents clear barriers to housing choice, affecting not only the individual but the individual's entire household.<sup>4</sup>

## ADA Requirements under FHA

- Accessible entrance on an accessible route
- Accessible public and common-use areas
- Usable doors
- Accessible route into and through the dwelling unit
- Accessible light switches, electrical outlets, thermo stats, and environmental controls
- Reinforced walls in bathrooms
- Usable kitchens and bathrooms

## THE DISTRIBUTION OF ACCESSIBLE HOUSING IN CHICAGO

Rental data collected from [www.apartments.com](http://www.apartments.com) indicates that there is an unequal distribution of properties with accessible units across Chicago. Most accessible properties are concentrated in newer buildings located in designated Opportunity Areas.

State-administered programs incentivize new housing development in Opportunity Areas. The Illinois Housing Development Authority operates the Low Income Housing Tax Credit, which offers dollar-by-dollar tax reductions in order to "promote the development of affordable housing for low income individuals and families".<sup>5</sup> Projects located in Opportunity Areas are eligible to receive increased tax credit allocation.<sup>6</sup> This incentivizes property development in Opportunity Areas, which, combined with FHA requirements, leads to a higher concentration of accessible units in low-poverty neighborhoods where rents are typically higher.

<sup>2</sup> U.S. Department of Housing and Urban Development. "Disability Rights in Housing"

<sup>3</sup> Bureau of Labor Statistics. "Persons with a Disability: Labor Force Characteristics Summary"

<sup>4</sup> 'Households with disabilities' refers to households with at least one member with a disability, with the understanding that all of the individuals within the household face greater barriers to housing choice as well.

<sup>5</sup> Illinois Housing Development Authority. "Low Income Housing Tax Credit Qualified Allocation Plan"

<sup>6</sup> Ibid.

## REDUCING THE EXCEPTION PAYMENT STANDARD

*“I have a client who’s going through the exception program which I didn’t know they had. She likes where she’s staying. She’s handicapped. She’s 65 years old. She was paying \$127. Now they’re asking her to pay \$700 out of her \$745 income.””*  
 — HCV Participant

HUD regulations require housing authorities to set maximum subsidies for the HCV program between 90% and 110% of the 50th percentile of Fair Market Rent (FMR) for the area.<sup>8</sup> To expand housing choice for participants, the Chicago Housing Authority (CHA) has increased the maximum subsidy available to HCV participants to 150% of the FMR for the Chicago-Joliet-Naperville Metro Area under the Exception Payment Standard policy for several years.<sup>9</sup>

In its FY2010 MTW Annual Plan, CHA requested approval from HUD to further increase the maximum subsidy under the Exception Payment Standard to 300% of FMR.<sup>10</sup> This request was approved in September 2010. However, HUD expressly indicated that their approval did not constitute an endorsement of the increased subsidy. CHA began providing assistance under the revised Exception Payment Standard in January 2011. By 2014, one-third of the 766 HCV participants with enhanced subsidies received more than 150% of FMR.<sup>11</sup>

A request from Rep. Aaron Schock (R-IL) prompted an audit of CHA and its exception payment standard policies in 2014. Rep. Schock contended that placing low-income families in luxury buildings was a waste of taxpayer funds.<sup>12</sup>

The audit determined that CHA was unable to provide evidence that the revised policy was reasonable and cost-effective.<sup>13</sup> In the wake of extensive negative media coverage, CHA reduced its maximum subsidy under the Exception Payment Standard from 300% to 150% of FMR Prior to the publication of the audit report.<sup>14</sup>

Given the limited availability of affordable, accessible housing options, households with disabilities have been most impacted by this policy change.

7 The quoted HCV participant works as a home care aide. Some of her clients also use a voucher.

8 Chicago Housing Authority. “Exception Payment Standard”

9 Ibid.

10 Chicago Housing Authority. FY2010 Moving to Work Annual Plan (Revised)

11 Chicago Housing Authority. FY2013 Annual Report

12 Office of Former Rep. Aaron Schock (R-IL). “Schock Calls for Investigation into Chicago Housing Authority “Supervoucher” Program”

13 Office of Inspector General, U.S. Department of Housing and Urban Development. 2015-CH-1001

14 Chicago Housing Authority. “CHA Announces New Policy for the Housing Choice Voucher Program”

# CHICAGO'S RENTAL MARKET FOR WHEELCHAIR-ACCESSIBLE UNITS

We conducted a point-in-time analysis of the Chicago rental market in April 2017 to illustrate the current geographies of accessible rental housing stock. We contextualize these findings with CHA's HCV policies to determine the affordability of accessible units with the maximum subsidy under the current exception payment standard. We collected data for all properties in the city of Chicago containing one or more active rental listings advertised on [www.apartments.com](http://www.apartments.com) (hereafter, "the listing service") at a single point-in-time. We selected the listing service for three reasons:

- (1) Local public housing authorities recommend the listing service as a resource for HCV participants searching for housing;
- (2) In a series of focus groups in April 2017, local HCV participants referred to the listing service as a preferred resource in their housing searches; and,
- (3) The listing service is the only major online rental listing service that allows renters to search listings by wheelchair-accessibility.

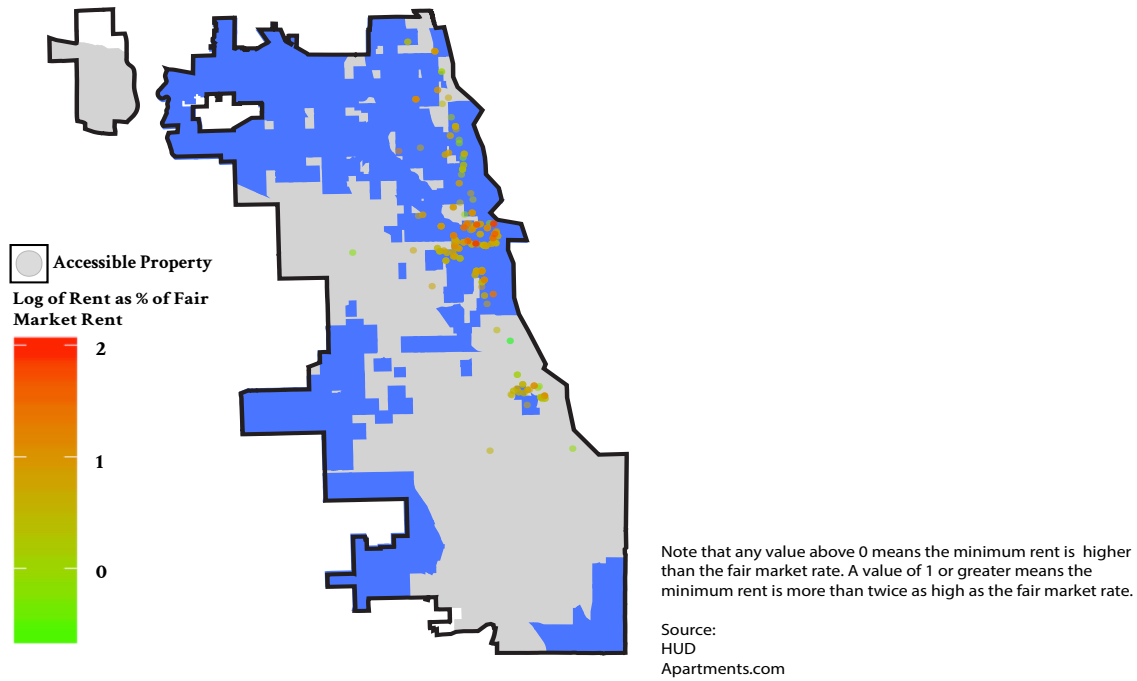
Listing service data variables include Minimum Rent, Location, and Wheelchair Accessibility for properties with one or more active rental listings. We coupled this listing service data with demographic data from the U.S. Census Bureau to determine whether properties were located in Opportunity Areas. All missing data are reconciled using a complete-case analysis. Complete information for all variables is compiled for 87.9% of listed properties.

*Stock of Accessible Rental Housing by Opportunity Area*

		<u>Wheelchair Accessible</u>				
		Yes		No		
		Opportunity Area Yes	Opportunity Area No	Opportunity Area Yes	Opportunity Area No	
Bedrooms	0	43	19	331	211	604
	1	50	22	320	206	598
	2	49	24	283	257	613
	3	24	12	312	275	623
	4	0	1	27	33	61
		166	78	1273	982	2499

There are two potential limitations to the data: first, it is unknown whether this point-in-time analysis is representative of the Chicago rental market at all times of the year; and second, reasonable accommodations can be requested for reasons beyond physical disabilities requiring a wheelchair-accessible unit. We could draw more robust conclusions by repeating this analysis at regular intervals to ameliorate the first limitation. There is no reasonable solution to overcoming

**Accessible Housing in Opportunity Areas by Minimum Rent**



**Map 1:** Accessible Housing in Opportunity Areas by Minimum Rent

the second limitation because no major online rental listing service reports other accessibility accommodations (e.g. sensory-accessible units).

For properties with multiple rental listings, we analyze the minimum advertised rent for every unit size. Our approach prevents skew introduced by luxury/penthouse units. Analyzing the minimum rents also ensures that conclusions for the cheapest unit in a property would apply to the remaining units in that property. Nevertheless, some properties only listed extremely expensive units.

*Median Rents by Bedroom Count and Accessibility*

Bedrooms	Accessible	Count	Median Rent	% of FMR	Exception Payment Standard Gap (\$)	Exception Payment Standard Gap (%)
0	Yes	62	\$1,626.00	178%	\$258.00	114%
	No	542	\$1,050.00	115%	\$(318.00)	85%
1	Yes	72	\$2,028.00	192%	\$445.50	128%
	No	526	\$1,449.00	137%	\$(133.50)	94%
2	Yes	73	\$2,708.00	220%	\$860.00	147%
	No	540	\$1,650.00	134%	\$(198.00)	96%
3	Yes	36	\$3,766.00	240%	\$1,412.50	191%
	No	587	\$2,300.00	147%	\$(53.50)	102%

Comparison between Median Accessible and Non-Accessible Rent, by Opportunity Area and Unit Size

Opportunity Area	Bedrooms	Accessible	Count	Median Rent	% FMR	Accessibility Premium	
Yes	0	Yes	43	\$1,747	192%	+\$572	
		No	331	\$1,175	129%		
	1	Yes	50	\$2,094	198%	+\$444	
		No	320	\$1,650	156%		
	2	Yes	49	\$2,827	229%	+\$932	
		No	283	\$1,895	154%		
	3	Yes	24	\$4,625	295%	+\$2,025	
		No	312	\$2,600	166%		
	No	0	Yes	19	\$1,155	127%	+\$273
			No	211	\$882	97%	
1		Yes	22	\$1,801	171%	+\$687	
		No	206	\$1,114	106%		
2		Yes	24	\$2,263	184%	+\$863	
		No	257	\$1,400	114%		
3		Yes	12	\$2,139	136%	+\$579	
		No	275	\$1,560	99%		

We use descriptive statistical analyses to identify trends and relationships in the rental listing data. To allow for between-group comparisons, our data are subset relative to four categorical variables: (1) number of bedrooms, (2) wheelchair-accessibility, (3) whether the property is located in an opportunity area, and (4) ZIP Code. We also make multi-level, between-group comparisons to identify the effects of differential grouping on rent.

To control for outliers, we generalized within-group rental values using the median minimum rent for a unit size at any given property. Given the limited availability of properties with four-bedroom rental units (n = 61), this data is not used to inform our findings.

Most conclusions are found by what might be described as a multi-level between-group comparison; in other words, the analysis identifies effects of differential grouping (e.g. change in rent when properties are grouped first by Opportunity Area Status, then by Accessibility; or by Accessibility and ZIP Code).

## Location of Affordable and Wheelchair-Accessible Housing

Housing choice for households with disabilities is limited. Of the 2,842 properties in Chicago with available studio, one-, two-, three- and four-bedroom units for rent, only 301 properties are wheelchair-accessible. 68% of these accessible properties are located in Opportunity Areas, mostly in central and lakefront neighborhoods on Chicago's North Side that have experienced the highest levels of construction in recent years. A cluster of accessible properties is also located

in the Hyde Park neighborhood, though most of these are located outside Opportunity Areas.

Most wheelchair-accessible properties in central neighborhoods list rents in the highest quartile of city-wide rent (\$3,604-\$17,000/month). Less expensive wheelchair-accessible properties with rents in the lowest two quartiles (\$367-\$2,648/month) are usually located outside Opportunity Areas, which have limited availability of wheelchair-accessible units.

## Rental Payments for Accessible Properties Exceed Current HCV Subsidies

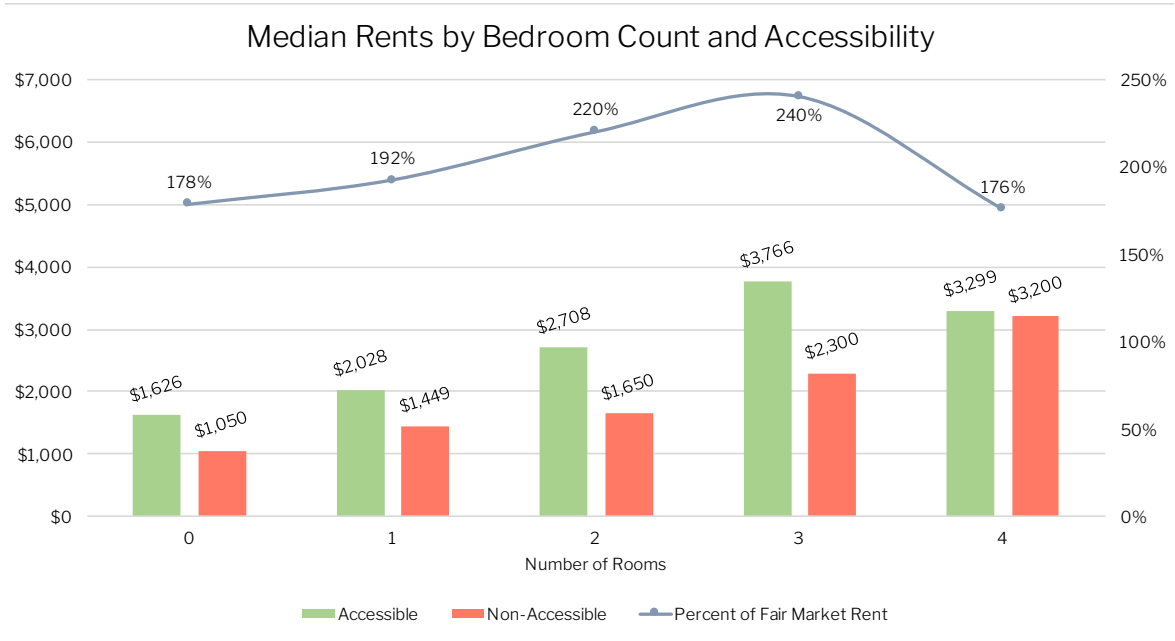
Wheelchair-accessible properties are generally more expensive than properties not listed as wheelchair-accessible. The median rent per month for wheelchair-accessible properties is \$576 to \$1,466 higher than for properties not listed as wheelchair-accessible. Median rents for studio, one-, two-, and three-bedroom units with accessible properties are greater than the current maximum subsidy provided by the Exception Payment Standard. Observed median rents are between 14% and 91% greater than this maximum subsidy, depending on the number of bedrooms per unit. These median rents range from 178% to 240% of FY2017 FMR for the Chicago-Joliet-Naperville Metro Area.

Our analysis indicates that housing choice for households with disabilities is limited under the current Exception Payment Standard. However, it is important to recognize that not controlling for Opportunity Area Status—the second stipulation that can make a participant eligible for the Exception Payment Standard—may introduce bias to our findings.

*Subsidy Required (as % FMR) to Afford Equal Housing Choice for HCV Households with Reasonable Accommodations*

Opportunity Area	Bedrooms	150% FMR	Accessible 150% FMR	Accessible 175% FMR	Accessible 200% FMR	Accessible 225% FMR	Accessible 250% FMR
Yes	0	<b>55.8%</b>	18.1%	33.8%	<b>59.5%</b>	93.1%	98.3%
	1	<b>38.5%</b>	8.2%	28.4%	<b>51.2%</b>	79.5%	94.1%
	2	<b>40.4%</b>	5.2%	9.3%	18.3%	<b>45.1%</b>	59.8%
	3	<b>30.1%</b>	1.6%	6.0%	15.0%	<b>27.5%</b>	41.3%
No	0	87.3%	57.5%	73.4%	91.7%	98.0%	100%
	1	79.0%	22.7%	55.8%	70.1%	91.7%	100%
	2	76.0%	27.4%	47.9%	56.4%	70.2%	82.1%
	3	77.0%	64.6%	70.2%	76.6%	82.0%	82.7%





**Figure 1.** Median Rents by Bedroom Count and Accessibility

We perform a secondary analysis grouping rental data for properties located within and outside designated Opportunity Areas. This analysis confirms that the location within an Opportunity Area was not a more significant explanatory variable.

Among the properties listed as wheelchair-accessible, median rent is higher in designated Opportunity Areas than outside of them. Median rent for wheelchair-accessible properties in Opportunity Areas ranges from 192% to 295% of FY2017 FMR and exceeds the maximum subsidy available under the current Exception Payment Standard for all unit sizes.

Median rent for wheelchair-accessible properties not in Opportunity Areas range from 127% to 184% of FY2017 FMR and exceeds the maximum subsidy available for one- and two-bedroom

## Example

A HCV participant without accessibility needs seeking a studio unit in an Opportunity Area with the maximum subsidy under the current Exception Payment Standard can secure housing in 55.8% of the available stock.

By comparison, a HCV participant seeking an accessible studio unit in an Opportunity Area at the maximum subsidy under the current Exception Payment Standard can secure housing in 18.1% of the available stock.

To gain access to a similar proportion of the available stock, the maximum subsidy must equal approximately 200% of FMR. A HCV participant receiving this level of subsidy could afford 59.5% of the available stock of accessible studio units.

units. Wheelchair-accessible studio and three-bedroom units not in Opportunity Areas are affordable to a household with disabilities if they receive the full maximum subsidy currently available.

## EQUALIZING HOUSING CHOICE FOR HOUSEHOLDS WITH DISABILITIES

HCV participants with accessibility needs were disproportionately impacted by the reduction of the maximum subsidy in 2014. Though CHA can petition HUD to approve subsidies above the current maximum subsidy, this process is time-consuming and housing providers are unwilling to wait. These petitions must be reviewed by staff at HUD's headquarters and can take up to six months to approve.

Given the inefficiencies of this process, we investigate the share of the total housing stock affordable to HCV participants receiving the maximum subsidy to determine the level of subsidy required to equalize housing choice for households with disabilities.

HCV participants with accessibility needs who receive the current maximum subsidy of 150% FMR can afford a smaller proportion of the housing stock than households without accessibility needs.

18.1% of accessible studio apartments in Opportunity Areas are affordable with the current maximum subsidy. Housing choice significantly decreases for one-bedroom accessible units, where HCV participants can afford just 8.2% of the available housing stock. Only 5.2% of the accessible two-bedroom housing stock in Opportunity Areas is affordable, and just 1.6% of accessible three-bedroom units are affordable to HCV participants receiving the maximum subsidy.

By comparison, HCV participants without accessibility needs can afford between 30.1% and 55.8% of the housing stock in Opportunity Areas if they receive the current maximum subsidy. This reveals significant barriers to housing choice for HCV participants with accessibility needs. To address the barriers that households with disabilities face in searching for accessible and affordable housing in the Chicago rental market, we determine that the maximum subsidy for participants requesting reasonable accommodations for accessibility reasons must be increased.

Increasing the maximum allowable subsidy would better position the HCV program to provide all participants—regardless of accessibility needs—the same level of opportunity and choice in the housing market.

To equalize housing choice, the maximum subsidy levels for HCV participants requesting reasonable accommodations for accessibility reasons would need to be:

- At least **200%** of FY2017 FMR for studio and one-bedroom units
- At least **225%** of FY2017 FMR for units with two or more bedrooms

## The Power of Activism in Influencing Housing Policy

At the National Public Housing Museum HCV Storytelling Event, local resident Debra Miller shared how her activism led to her story being published in the Chicago Tribune, allowing her to avoid homelessness and bring attention to her own situation and those of others like her:

*“Prior to our receiving our voucher, we were working with an organization called the Chicago Housing Initiative, which is a coalition of almost eight organizations over the city, that are the watchdog of CHA, Chicago Housing Authority. And we spoke out at different rallies and events about homelessness. Both for ourselves and other homeless people in our city, over and over and over again! And we got in the paper because the Tribune liked us a lot. The fact that we were separated, but we were still together, you know, different things. So when he applied for a veteran’s housing voucher, we received it within a month. We just —it doesn’t happen that way, because they thought that they shut us up!”*

Miller’s story attracted significant attention from the press. Encouraging activism may allow individuals or households with disabilities to receive media attention to affect policy change. Though extensive negative press surrounding the Exception Payment Standard policy resulted in a decrease of the subsidy level, re-framing the narrative to illustrate the impact of increasing the maximum subsidy may expand housing choice for households with disabilities.



# Online Housing Discrimination



# ONLINE HOUSING DISCRIMINATION

Local fair housing ordinances prohibit source of income discrimination in the city of Chicago and suburban Cook County.<sup>1</sup> However, systematic discrimination against Housing Choice Voucher (HCV) participants in the private housing market limits housing choice.<sup>2</sup> More than 80% of HCV participants reside outside designated opportunity and general areas in Chicago.<sup>3</sup> The process of reporting discrimination is complicated, and HCV participants are often unable to file complaints given the time constraints of the HCV program itself.<sup>4</sup> As a result, discriminatory online rental listings often go unchallenged.<sup>5</sup>

This section of the report investigates online housing discrimination in the Chicago region to understand how HCV participants experience the geographies of housing discrimination online. We presents a point-in-time analysis of online rental listings, highlighting the practices of housing providers that create barriers to housing choice. We contextualize the spatial distribution of discriminatory rental listings with the lived experiences of HCV participants in their housing searches. In an effort to combat source of income discrimination and expand choice for HCV participants in Chicago and suburban Cook County, we collaborated with an external partner to develop a software solution to monitor online rental listings and outreach to discriminatory housing providers. To our knowledge, no similar system exists anywhere else in the country.

*“I know what it’s like to be looked at like you’re not worth anything or you’re dirt because your form of income is the Section 8 voucher, you know what I’m saying? It’s looked upon like, ‘Oh, she lazy.’ Nah, baby, I work every day.”*

— HCV Participant

Chicago Area Fair Housing Alliance (CAFHA) members identify online discrimination as a barrier to housing choice for HCV participants.<sup>6</sup> Most families do not want to live in places where they feel unwanted, and HCV participants are no different.

HCV participants, fair housing advocates, local public housing authorities, enforcement agencies, and other stakeholders contend that the pattern of discriminatory online listings sends an implicit exclusionary message to HCV participants.<sup>7</sup> The presence of discriminatory rental listings encourages other housing providers to discriminate against HCV participants as well.

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1 Chicago Lawyers’ Committee for Civil Rights Under Law. Summary of Fair Housing Laws

2 Yousef. Section 8 voucher holders face blatant discrimination on Craigslist

3 Chicago Housing Authority. CHA Quarterly Report, 4th Quarter 2016

4 Yousef. Section 8 voucher holders face blatant discrimination on Craigslist

5 Ibid.; For more on this theme, see *Geographies of Fair Housing*

6 Meeting with Online Discrimination Committee, HCV Working Group, Chicago Area Fair Housing Alliance, March 8, 2017

7 Meeting with Online Discrimination Committee, HCV Working Group, Chicago Area Fair Housing Alliance, February 22, 2017

Housing providers who may not even be familiar with the HCV program may add discriminatory language they observe in other listings to their own advertisements. This normalization of discrimination against HCV participants presents a barrier to housing choice. It stigmatizes HCV participants and contributes to the perception that subsidized renters deserve less and should not expect to live in high-opportunity neighborhoods.

Local efforts to address online source of income discrimination are not new. In 2016, the Cook County Commission on Human Rights established a process to monitor discriminatory listings and outreach to housing providers with promising results.<sup>8</sup> However, their manual approach was time-intensive and inefficient, underscoring the need for a systematic approach to confronting online housing discrimination.

The nature of classified rental listing websites like Craigslist poses a significant challenge to anti-discrimination enforcement. Rental listings can be posted anonymously and may only be online for a few days or hours. Legal aid groups, fair housing advocacy organizations, housing service providers and enforcement agencies established a committee dedicated to finding a collaborative solution to address source of income discrimination found on these websites. Its goals were twofold: to identify (1) a “collaborative, streamlined approach” to monitor discriminatory rental listings and track repeat offenders, and (2) a “streamlined approach to action steps to address online discrimination.” Drawing upon the framework established by the approach of the Cook County Commission on Human Rights, the Chicago Policy Research Team (CPRT) supported this effort, and our director chaired the newly-established Committee on Online Housing Discrimination for CAFHA’s Working Group on Housing Choice Vouchers.

With input from CAFHA members, our external partner developed a system for collaborative, streamlined action against discriminatory housing providers by identifying and documenting discriminatory listings in Cook County with minimal organizational resources. Combining extensive functionality with an easy-to-use interface, the new software will increase the efficiency and scope of anti-discrimination enforcement efforts. The system monitors online rental listings posted on Craigslist and establishes opportunities for educational outreach to discriminatory housing providers. The system also generates records to support legal action and enforcement of local fair housing ordinances to combat the normalization of source of income discrimination against HCV participants.

## THE GEOGRAPHIES OF ONLINE DISCRIMINATION

We analyzed all online rental listings referencing Section 8 Housing Choice Vouchers posted on Craigslist to better understand the geographies of online discrimination and lay the foundation for a targeted approach to monitoring and outreach. We pulled all active listings at a single point-in-time to best reflect the discrimination that a HCV participant would encounter in their housing search. Each listing was categorized according to the nature of the language referencing vouchers. To understand geographic patterns of source of income discrimination, we recorded the location of each housing unit and whether it was located within a designated Opportunity Area. We also recorded clear instances of discriminatory language against other protected classes (e.g. race, marital status, and disability).

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<sup>8</sup> Meeting with Online Discrimination Committee, HCV Working Group, Chicago Area Fair Housing Alliance, February 22, 2017

## Categories of Language in Online Rental Listings

- (1) Listings affirmatively welcoming HCV participants;
- (2) Listings containing discriminatory language against HCV participants;
- (3) Listings containing differential terms between HCV participants and market tenants;
- (4) Listings containing preferential language for HCV participants; and,
- (5) Listings seeking HCV participants only.

Category	Percentage of Listings	Example of Language
Affirmatively welcoming	72.5%	"Section 8 welcome" or "Section 8 OK"
Discriminatory language (source of income)	3%	"No Section 8" or "We do not accept vouchers"
Discriminatory language (other protected classes)	7%	"Perfect for families" or "No pets allowed"
Differential terms	10.5%	"Section 8 must have no criminal record."
Preferential terms	26%	"2 br voucher accepted for 3 br unit"
HCV participants only	20.5%	"Section 8 required" or "Section 8 only"

**Figure 2. Percentages and Types of Language in Craigslist Listings:** The protected classes in Cook County and the City of Chicago include the following: race, color, sex, religion, age, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, gender identity, housing status, and source of income. Statements like the ones in the example, while perhaps not intending to be discriminatory, have a discriminatory effect since they steer people away from the housing unit because they have no children or have an assistance animal, for example.

Approximately 958 listings referenced vouchers in the rentals/apartments section of Craigslist for the city of Chicago. Any rental listings for housing units outside Cook County limits were excluded since source of income is by-and-large not a protected class outside the county. In total, we categorized 799 rental listings.

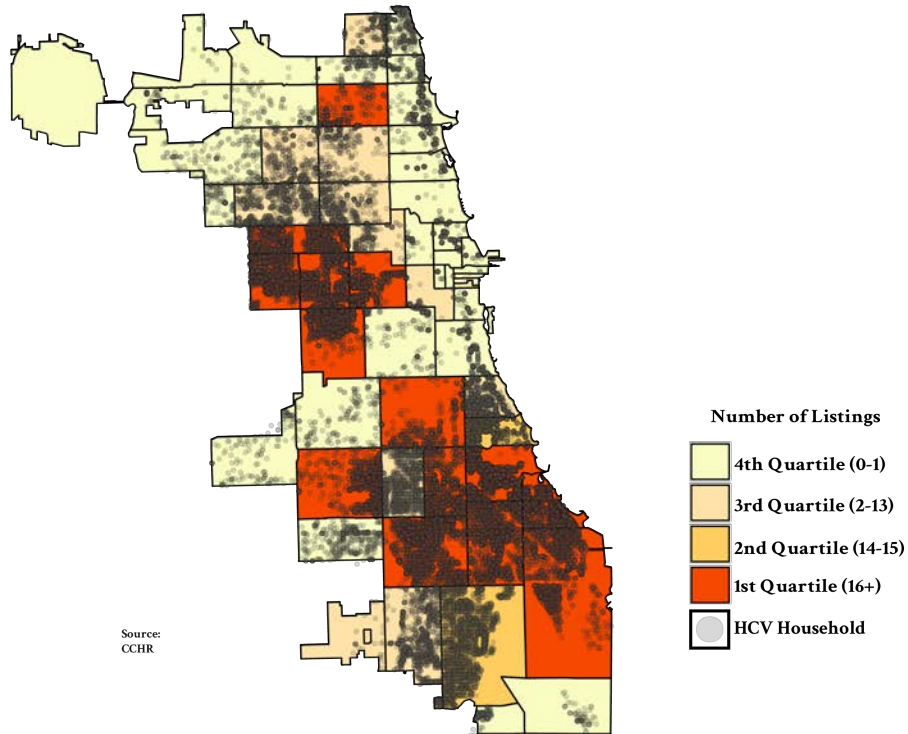
More than 50% of the advertised housing units referencing vouchers were located in five ZIP codes on the West and South Sides of Chicago, where HCV participants are already disproportionately concentrated:

60624 (17.5%)    60637 (13.5%)    60617 (7%)    60620 (7%)    60619 (6.5%)



Most language in listings referencing HCV participants was affirmative or preferential. Only a small number of listings contained language that explicitly refused to rent to HCV participants. However, since our investigation is limited to a single point-in-time snapshot of Craigslist, our findings cannot account for annual fluctuations in the rental market. Our findings only represent the experiences of HCV participants at the initial stage of the housing search process since we cannot account for housing providers who do not explicitly discriminate in their listings but nevertheless refuse to rent to HCV participants.

### Listings Mentioning HCV Participants

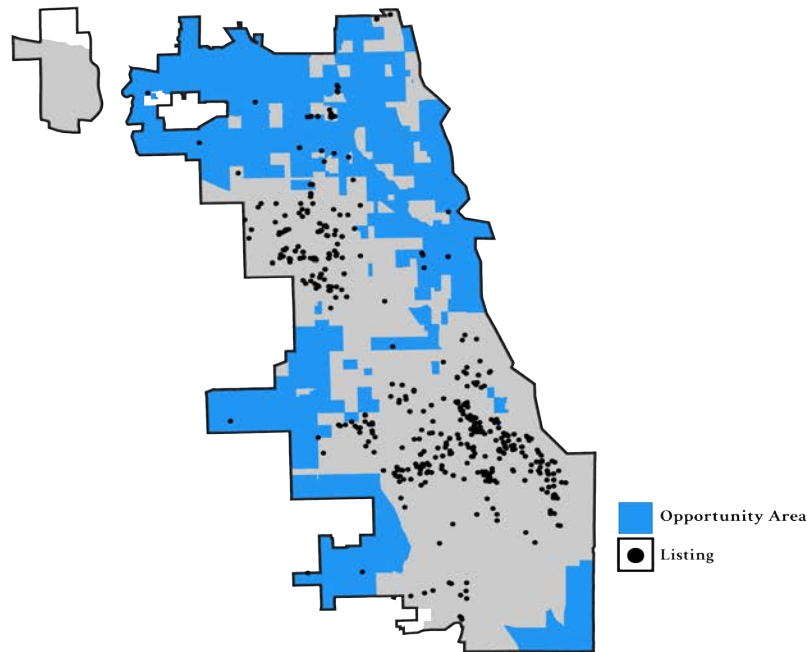


**Map 1.** Listings mentioning vouchers are concentrated in the South and West Sides.

Over 90% of listings were found outside Opportunity Areas. 50% of listings referencing vouchers were concentrated in five ZIP codes on the South and West Sides of the city (Maps 1 and 2). Of listings that were discriminatory, only 24% were located in Opportunity Areas. No listings in Opportunity Areas contained differential language that implied greater barriers to access. However, only 3% of the listings with preferential language favoring HCV participants were located in Opportunity Areas, suggesting that most rental listings referencing vouchers steer families towards units outside Opportunity Areas.

Evidence of steering is also supported by the geographic overlap of listings that mention HCV participants and the areas where HCV participants live. The five ZIP codes containing more than 50% of listings referencing vouchers contain less than 11% of the total rental housing stock in Chicago, yet are home to approximately 30% of HCV participants.

## Listings Mentioning HCV



**Map 2.** Over 90% of the listings mentioning HCV participants were not located in Opportunity Areas.

At both the National Public Housing Museum HCV Storytelling Event and in our focus groups, HCV participants expressed frustration when faced with persistent source of income discrimination in their housing searches. A reduction in the frequency of discriminatory listings would remove barriers to choice, better serve families in the HCV program, and educate housing providers about their responsibilities under local ordinances.

## SYSTEM GOALS

- To automatically identify discriminatory rental listings in Cook County;
- To support a workflow where users may view and update related data;
- To track which housing providers have received outreach and education;
- To identify housing providers who continue to discriminate against HCV participants after outreach attempts; and,
- To facilitate collaboration between multiple users at different partner organizations.

# TARGETTING DISCRIMINATORY HOUSING PROVIDERS

A web-based solution was chosen by our external partner, enabling access across CAFHA member organizations. The system was developed and delivered in phases to the CPRT and CAFHA’s Committee on Online Housing Discrimination for evaluation and to inform future stages of development.

The first phase enabled the initial manual investigation we performed of Craigslist rental listings referencing vouchers (Figure 1). After review of all mentions of voucher keywords, the we determined that a single search query could accurately distinguish discriminatory listings. Using this query in subsequent phases, the system was found to detect listings with discriminatory language reliably.

Later development of task workflow components of the system was strongly informed by the framework used by the Cook County Commission on Human Rights, in particular the phone and e-mail scripts that were used in their manual process. Other CAFHA member organizations collaborated to enhance those original scripts, refining language to apply in both the city of Chicago and in suburban Cook County for use within the system and in a handbook for users.

## Using the System

### Identifying Discriminatory Listings

The system automatically performs keyword searches on Craigslist to determine likely discriminatory listings, then pulls the content of those listings, verifying the coordinates are within Cook County before adding a record for each to the database. Upon login, users see the discriminatory listings under investigation, grouped by their status (Figure 4).

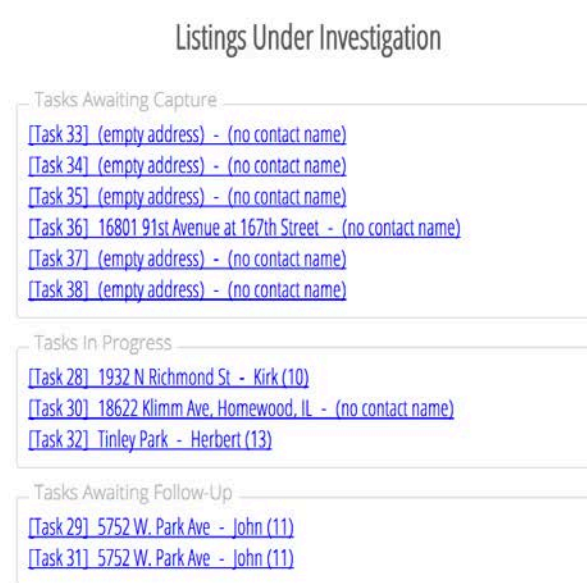


Figure 4: Open Task List

### Task Status

**Awaiting Capture:** PDF with contact information visible has NOT been uploaded. This step is important to preserve a record of the ad in case it is removed.

**Work in Progress:** PDF has been captured AND uploaded. A volunteer is currently working on the case.

**Follow-Up:** Contact has been attempted, and there is no further action to take at present until the contact responds, takes action to take at present until the contact responds, takes action, or time passes.

**Closed:** There is no further action to be taken on this case. It will no longer be visible in the task list.

Home Logout

**Listing ID 29** **Contact ID 11**

Scraped Listing Details  
 URL: <https://chicago.craigslist.org/chc/apa/6126413396.html>  
 Coordinates: 41.832652, -87.769484  
 Task Opened: 2017-05-10 19:06:12

Task Status: **Follow-Up**  
Status of this investigation

Address: **5752 W. Park Ave, Cicero, IL**  
The address of the advertised unit

ZIP Code: **60804**  
The ZIP code of the advertised unit (5 digits)

Discriminatory Categorization: **Currently Discriminatory**  
Discriminatory status of advertisement

Comment:   
Add comment about this ad (cumulative)

Phone Number 1: **7731234567**  
The primary contact number (10 digits, numbers only)

Phone Number 2:   
Secondary contact number if applicable (10 digits, numbers only)

Email:   
Email address

Information:   
Information about this contact

Listings by the same contact: [\[Task 31\] \(Discriminatory\)](#)

**Refresh** **Update** **Reset Contact Information** **Update Contact Information**

**Phone Script** **Email Script** **Attachments**

Timestamp	User	Comment
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Figure 5: Task View

Home Logout

**Phone Script** Current Status: No Answer

Review current Craigslist listing for noncompliant language, in case it has been updated.

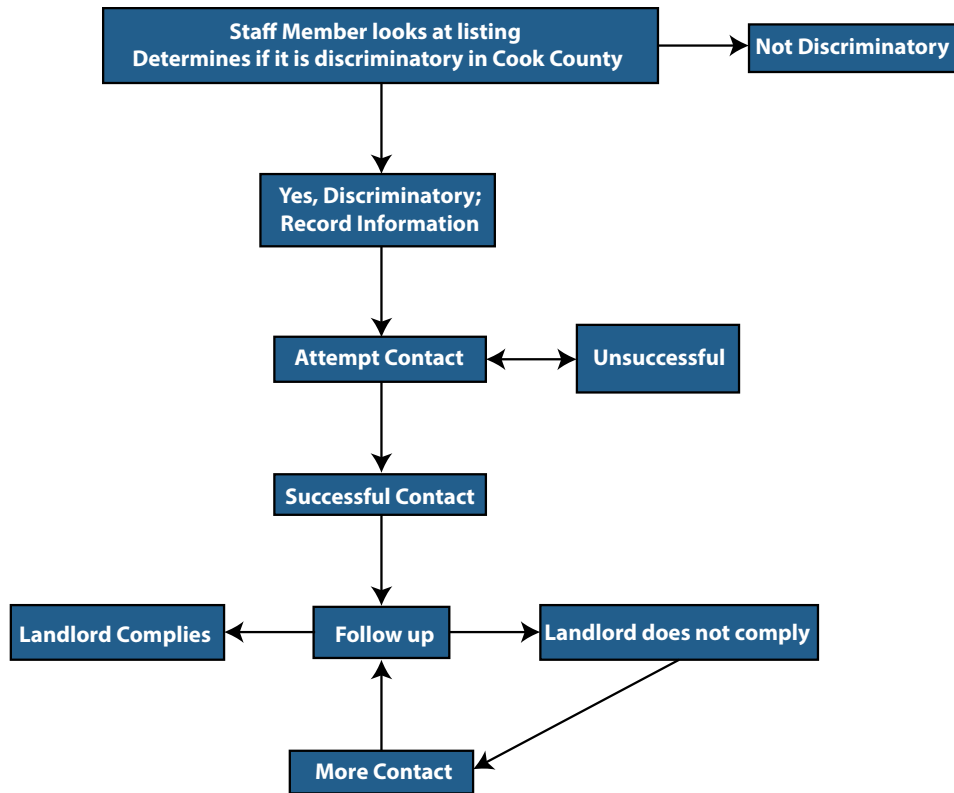
Call **7731234567** **Initiated Call to 7731234567**

**No Answer (first attempt)** Don't leave a voicemail. Flag case for follow-up. **No Answer** [END]

Figure 6: Phone Script Pop-up

Timestamp	User	Comment
2017-05-15 17:46:50	Aaron (1)	Updated ZIP code.
2017-05-15 17:46:55	Aaron (1)	Changed status to: Work in Progress
2017-05-15 17:47:16	Aaron (1)	Listing states "No vouchers accepted"
2017-05-15 18:01:02	Aaron (1)	Updated categorization.
2017-05-15 18:29:39	Aaron (1)	Initiated Call to 7731234567
2017-05-15 18:29:42	Aaron (1)	No Answer
2017-05-15 18:29:54	Aaron (1)	Changed status to: Follow-Up
2017-05-16 00:01:15	Aaron (1)	Updated Address.

Figure 7: Activity Log of an Individual Case



**Figure 8: Summary of System Workflow**

### Task View

Tasks in the system are displayed as a form, allowing users to view and update associated information (Figure 5). All users have ability to interact with all tasks.

Users manually capture and update fields which were not automatically entered. As they take action on the task, the database is immediately updated and a audit trail comment added. The system supports addition of comments and file attachments to the task.

The system identifies tasks by the same contact to highlight repeat offenders, displaying a link that enables users to review historical notes to obtain an understanding of previous interactions with the housing provider.

### Workflow Support

The system provides workflow support using pop-up maps and scripts. These facilitate a consistent approach across all CAFHA member organizations. Interactions against these pop-ups are tracked for accountability and to ensure any user can understand the history of a given task (Figures 6 and 7).

## OPPORTUNITIES FOR EXPANSION

HCV participants take a variety of approaches to their housing searches. Participants in a series of focus groups identified Craigslist, Domu, HotPads, Zillow, and Apartments.com as commonly-used websites to guide the search process online. Additionally, CHA and HACC recommend realtor.com, forrent.com, and homefinder.com as potential resources to support the search process. Some HCV participants do not identify the Internet as a component of their housing search. Instead, these participants rely on print advertisements, word-of-mouth, and walking around desired neighborhoods to locate units advertised for rent.

In the future, CAFHA hopes to continue its relationship with the external partner and expand the scope of the system to monitor rental listings on additional websites with high frequencies of discriminatory language. The system could also be refined to identify other types of discrimination against HCV participants, particularly listings with differential terms that can be challenging to detect automatically.

Once in use by CAFHA member organizations, CAFHA should establish methods to evaluate the efficacy of the system and its impact on reducing online housing discrimination. These methods might include monitoring the number of discriminatory listings over time. CAFHA may also wish to collect metrics on the number of discriminatory housing providers its members engage with to support funding efforts to maintain the system in future years. If successful, we hope that others will consider implementing the system to reduce online housing discrimination and expand housing choice for HCV participants in cities and counties elsewhere.

# Education & Outreach



# EDUCATION & OUTREACH

Knowledge of source of income discrimination is uneven among HCV participants and housing providers in Chicago and suburban Cook County. Many HCV participants are not aware that it is illegal to discriminate against voucher holders. Even among those with knowledge of source of income discrimination protections, most were unsure how to file a complaint. Housing providers are also frequently unfamiliar with the HCV program, and many choose to openly violate local fair housing ordinances.

Local public housing authorities and fair housing organizations produce a range of educational materials for HCV participants in Chicago and suburban Cook County.<sup>1</sup> However, most HCV participants we engaged with decry the limited attention paid to addressing source of income discrimination. These participants identify avenues for improving the quality and nature of these materials that go beyond existing requirements for education and outreach.<sup>2</sup> The uneven knowledge and access to information about the Housing Choice Voucher (HCV) program limits the abilities of HCV participants to advocate for themselves in the face of discrimination. Poor education and outreach also impedes efforts to affirmatively furthering fair housing in our region.

*“Knowledge is power. The more knowledge that you have, the more you are informed, the more you can advocate for yourself.” – HCV Participant*

This section of the report investigates the value of education, identifying mechanisms to improve knowledge of source of income discrimination for HCV participants and housing providers. We contextualize educational materials produced by local housing authorities and fair housing organizations with perspectives of HCV participants and other stakeholders to underscore the importance of clear, consistent, and accessible educational materials. Together with HCV participants, we co-create a new suite of educational materials that attends to their needs and desires for information about particular aspects of the HCV program and seeks to reduce barriers to housing choice in Chicago and suburban Cook County.

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1 Quadel Consulting Corporation. Housing Choice Voucher Program Guidebook, 8-1; Chicago Lawyers Committee for Civil Rights Under Law. “Housing Discrimination is Against the Law”; Chicago Commission on Human Rights. “Enforcement of Chicago’s Discrimination Laws”

2 Quadel Consulting Corporation. Housing Choice Voucher Program Guidebook, 8-1; Chicago Housing Authority. Housing Choice Voucher Program Administrative Plan, 13-3



## CO-PRODUCTION AND ENGAGEMENT

*“We never know what a person is really going through; that we could be a help to them. So whenever you get any information that you have gotten from us, utilize it.”*  
— HCV Participant

Engagement and collaboration with HCV participants was essential to our efforts to create useful educational materials for voucher holders and housing providers. Over five months, we engaged with a wide range of HCV participants through our partnerships with CAFHA, its member organizations, and external partners. These perspectives and experiences highlight an urgent need to reimagine educational materials to ensure HCV participants are aware of their rights and responsibilities when confronted with source of income discrimination.

Initially, we gathered perspectives from HCV participants and key stakeholders attending CAFHA’s Working Group on Housing Choice Vouchers and its Committee on Education and Outreach. These meetings confirmed the value of broader efforts to engage HCV participants throughout Chicago and suburban Cook County.

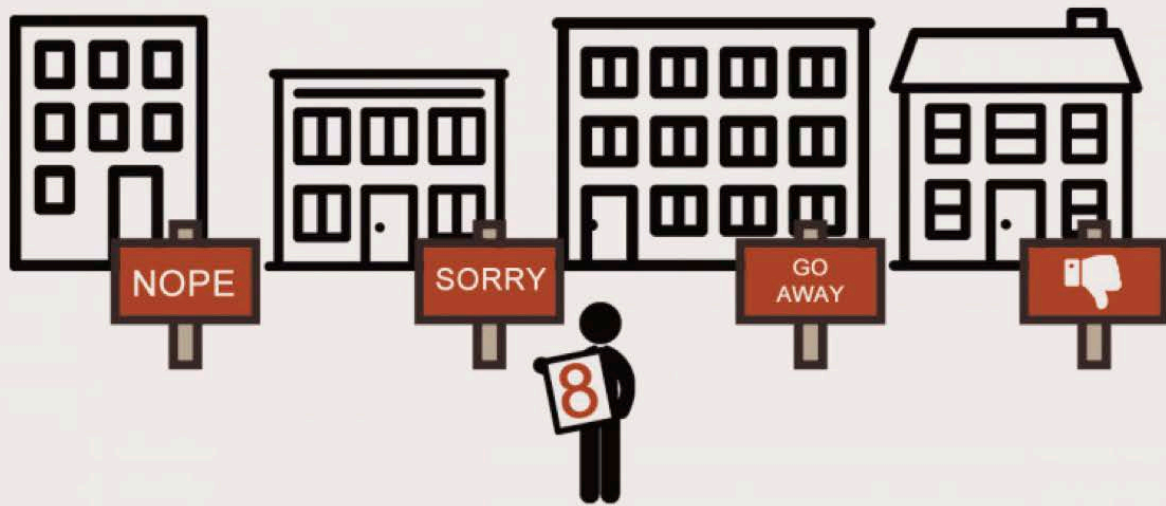
Without first understanding of the knowledge, needs, and preferences of HCV participants, we could not accurately identify opportunities for reimagining the current educational materials provided by housing authorities and fair housing organizations. Our engagement with participants revealed insights into knowledge gaps, perspectives on current educational opportunities, and ideas to frame the creation of a new suite of educational materials and a plan for their distribution.

In March 2017, we organized a storytelling event for HCV participants with the National Public Housing Museum (NPHM). More than 40 HCV participants from Chicago and suburban Cook County attended, as well as 10 representatives from CAFHA member organizations.

These organizations distributed hard copies of promotional materials at their sites, and promoted the event online via social media. We also provided materials to resident organizations and other social service providers, including the Central Advisory Council. The Chicago Housing Authority (CHA) promoted the event at its HCV satellite offices and contacted HCV participants with valid e-mail addresses.

We developed a series of guiding questions in collaboration with NPHM partners. Participants joined one of four story circles addressing distinct guiding questions facilitated by the CPRT. These story circles were digitally-recorded and transcribed with the consent of all participants.

Following the Storytelling Event, we determined that smaller-group discussions would refine our approach to reimagining educational materials related to source of income discrimination. In April 2017, we hosted a series of focus groups for HCV participants around the city of Chicago and suburban Cook County to gain a deeper understanding of how existing materials could be supplemented.



**Have societal barriers frustrated your search for affordable, physically accessible housing?**

**Do you have experience looking for an apartment with a Housing Choice Voucher (formerly known as Section 8)?**

**Have you faced discrimination from a landlord when trying to use a voucher?**

**Are you interested in advocating for fair, affordable housing in Chicago and suburban Cook County?**

**The National Public Housing Museum invites you to join us for an evening of storytelling about using Housing Choice Vouchers in Chicago and suburban Cook County.**

### **FREE DINNER & CUPCAKES**

During the event, voucher holders will be paired with student interviewers from a public policy class led by housing activist, NPHM Board member, and University of Chicago professor Charlie Barlow.

Share your stories about looking for a physically accessible home with a Housing Choice Voucher, and these stories will be recorded and used to advocate for fairer affordable housing policies in Chicago with the Chicago Area Fair Housing Alliance.

**Jane Addams Resource Center at ABLA**  
1254 South Loomis Street  
Chicago, IL 60608

**March 28, 2017**  
5:30 PM Jerk Chicken Dinner  
6:15 PM Introductions  
6:30 PM Storytelling  
7:30 PM Wrap up

**Please RSVP to [info@nphm.org](mailto:info@nphm.org) or (773) 245-1621 so we know how much food to get!**

**Figure 1.** NPHM Storytelling Event Flyer distributed to participants.

We invited HCV participants to join the focus groups using the same channels used to promote the Storytelling Event. All attendees from the event were also invited to participate in the focus groups. We scheduled a total of six focus groups in locations across Chicago and suburban Cook County on several days at different times to increase participation. No HCV participants expressed interest in attending two of the focus groups. Across the remaining four, we engaged with 13 HCV participants. Representatives from CAFHA member organizations also attended each focus group to respond to queries raised by HCV participants.

A majority of HCV participants at the event and the focus groups attended to voice grievances about the HCV program. As is common with such opportunities for engagement, attendance was higher among those with negative experiences. As such, while the testimonies shared are not necessarily representative of every HCV participant, their perspectives underscore the importance of clear, concise and accessible materials to expand housing mobility and directly influenced the materials we created together.

## Story Circle Guiding Questions

**Circle One:** How did you come to live where you are currently living?

**Circle Two:** Can you describe how you first heard about the voucher program, and how you found information about it?

**Circle Three:** Was there ever a time when your home didn't suit your needs? Can you tell us about it?

**Circle Four:** Can you describe your current neighborhood? What do you like and dislike about it?

## INADEQUATE BRIEFINGS

The U.S. Department of Housing and Urban Development (HUD) requires that housing authorities orally brief HCV participants and provide written materials upon voucher issuance.<sup>3</sup> These briefings must inform participants about the program and its requirements. Presenters must be well-trained and present information in a “clear, consistent, and strong” manner.<sup>4</sup> HUD also mandates that housing authorities satisfy requests for accessibility accommodations.<sup>5</sup>

*“They didn’t even tell us that it was illegal for someone to tell you they wouldn’t rent to you.”*

— HCV Participant

Despite these regulations, HCV participants in Chicago and suburban Cook County indicate that current approaches to education do not meet their needs. Participants criticize the quality of briefings and the materials they received from housing authorities.

In the story circles and focus groups, several participants stated that questions were left

<sup>3</sup> Quadel Consulting Corporation. Housing Choice Voucher Program Guidebook, 8-1

<sup>4</sup> Ibid., 8-1

<sup>5</sup> Ibid., 8-3

# WE WANT TO HEAR YOUR VOICE!

Have you ever faced **discrimination** while trying to find a home?

Are there **resources** you wish you had as a voucher holder?

Join **small-group discussions** with voucher holders in the city and suburbs to share your experiences with the **Housing Choice Voucher (Section 8)** program and ideas to help participants in the future.

Your voice is important and we want to listen to your ideas so that we can create educational materials that best support the needs of participants and families together.

**MONDAY, APRIL 24, 6PM-8PM**

Loop

**TUESDAY, APRIL 25, 6PM-8PM**

Hyde Park-Woodlawn

**THURSDAY, APRIL 27, 10AM-12PM**

West Humboldt Park

**SATURDAY, APRIL 29, 3PM-5PM**

River North

**SUNDAY, APRIL 30, 4PM-6PM**

North Suburbs

**SUNDAY, APRIL 30, 5PM-7PM**

South Shore

## FREE FOOD!

Space is limited. Please RSVP to [cafha@uchicago.edu](mailto:cafha@uchicago.edu) or **(312) 386-1009 ext. 221**

Please let us know about any requests for accessibility accommodations



facilitated by:



Figure 2. HCV Focus Group Flyer distributed to participants.

unanswered and programs were poorly explained. HCV participants in two of the story circles and all four focus groups specifically expressed that CHA's Mobility Counseling Program was not sufficiently explained during their briefings. Participants also desired clearer materials addressing rent calculations and inspection requirements.

Source of income discrimination is poorly explained in participant briefings. Many HCV participants were unaware that it is illegal to discriminate against voucher holders. Even among those with knowledge of source of income discrimination protections, most did not know how to file a complaint.

## CONFUSING MATERIALS

Housing authorities are required provide written materials addressing 17 topics about the HCV program to voucher holders. HUD specifically calls for "information on federal, state, and local equal opportunity laws and a copy of form HUD-903, Housing Discrimination Complaint Form".<sup>6</sup> Beyond the mandated materials, housing authorities may provide additional information and resources to participants.<sup>7</sup> Advocacy organizations and service providers commonly provide their own materials as well.<sup>8</sup>

*"I read so much, I can read in my sleep. You have to read everything and everybody's interpretation of this is different; you go to re-read to make sure you understand what you thought you understood."*

*— HCV Participant*

The HCV participants we engaged with were critical about the length of participant guidebooks, highlighting difficulties in knowing what to read when facing issues in the HCV program. Participants criticized inconsistent messaging both within materials from a single organization or housing authority and between materials from different organizations. One participant lamented that the lack of consistency made it challenging to advocate for herself since she was unsure of the accuracy of information from different sources. Other participants expressed difficulties in comprehension of complex terminology.

HCV participants also identify the Internet as a primary source of information beyond written materials. Many participants frequently visit the websites for local housing authorities and fair housing organizations. However, several participants expressed that navigating these websites is often confusing.

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<sup>6</sup> Quadel Consulting Corporation. Housing Choice Voucher Program Guidebook, 8-6

<sup>7</sup> Chicago Housing Authority. Housing Choice Voucher Program Administrative Plan

<sup>8</sup> Chicago Lawyers Committee "Housing Discrimination is Against the Law"; Chicago Commission on Human Rights. "Enforcement of Chicago's Discrimination Laws"

## EDUCATING HOUSING PROVIDERS

Many housing providers are not familiar with the HCV program. Every HCV participant we engaged with expressed a desire for greater efforts to outreach to housing providers. Many participants believed that educational materials directed to housing providers would counter negative perceptions about the HCV program. These materials would also educate housing providers about their responsibilities under local fair housing ordinances.

*“Some of these homeowners and landlords, they don’t know. And so they’re really quick to say, “Oh, I don’t accept a voucher,” but it’s illegal to say that.”*  
*— HCV Participant*

Local housing authorities publish materials for housing providers. Locally, the CHA provides materials to its housing providers, including an inspection guidebook<sup>9</sup> and an owner reference manual,<sup>10</sup> as well as an online Owner Portal.<sup>11</sup> The CHA also offers in-person briefings to housing providers. The Housing Authority of Cook County (HACC) offers similar trainings and reference materials to housing providers in suburban Cook County.<sup>12</sup>

HCV participants described encounters with housing providers who held misconceptions about the HCV program. Most participants shared experiences with housing providers who gave incorrect information in the housing search process. Many participants experienced source of income discrimination explicitly or implicitly in their conversations with housing providers. Some were told that the building was not ‘Section 8 approved’. Others were informed that the building would not pass inspection and applications from voucher holders would not be accepted. Housing providers also misrepresented income requirements to several HCV participants.

At the Storytelling Event and in the focus groups, HCV participants shared suggestions and strategies for handling uneducated housing providers. Several participants had created their own educational materials to share with housing providers. One participant expressed that she does not trust all housing providers to be informed about the HCV program. She would bring “a printout of what Section 8 is, what it does, how you will be paid, how it goes as far as if this is an exception [opportunity] area, how that rent is determined” when searching for housing.<sup>13</sup>

Other HCV participants agreed that having a fact sheet to provide to housing providers when searching for housing would be useful. These participants also stressed the importance of clarifying the benefits and incentives for HCV providers who rent to voucher holders.

9 Chicago Housing Authority. HQS Inspection Guidebook

10 Chicago Housing Authority. Property Owner Guidebook

11 Chicago Housing Authority. Housing Choice Voucher Owner Portal

12 Housing Authority of Cook County. “Housing Choice Voucher Program: Landlord Training”

13 National Public Housing Museum. HCV Storytelling Event

## CREATING EDUCATIONAL MATERIALS WITH HCV PARTICIPANT INPUT

Focus group participants felt strongly that educational opportunities be made available in multiple formats, including written materials, online resources, and in-person trainings. For in-person trainings, HCV participants expressed desire for multiple dates, times of day, and locations. Participants also stated that childcare and refreshments will increase attendance.

All participants concurred that any educational materials must be easy to read and simple to navigate. Several participants also requested that materials be made available in public locations such as libraries, social service centers, and healthcare offices. One participant stressed the importance of providing educational materials in several languages.

To that end, the CPRT synthesized our engagement with HCV participants to produce a suite of supplementary educational materials for voucher holders and housing providers, including fact sheets, a handbook, and a website. These materials seek to provide clarity on source of income discrimination and other common issues experienced by HCV participants in Chicago and suburban Cook County.

### Fact Sheets

We created two one-page fact sheets to educate both HCV participants and housing providers about their rights and responsibilities under the local fair housing ordinances. These fact sheets utilize simple, accessible language to articulate issues surrounding source of income discrimination in the HCV program. The fact sheet for housing providers serves as both a standalone resource as well as a potential handout for HCV participants to carry in their housing searches.

### HCV Participant Handbook

In the face of source of income discrimination, a fact sheet alone may not provide sufficient information to HCV participants. To that end, we created a

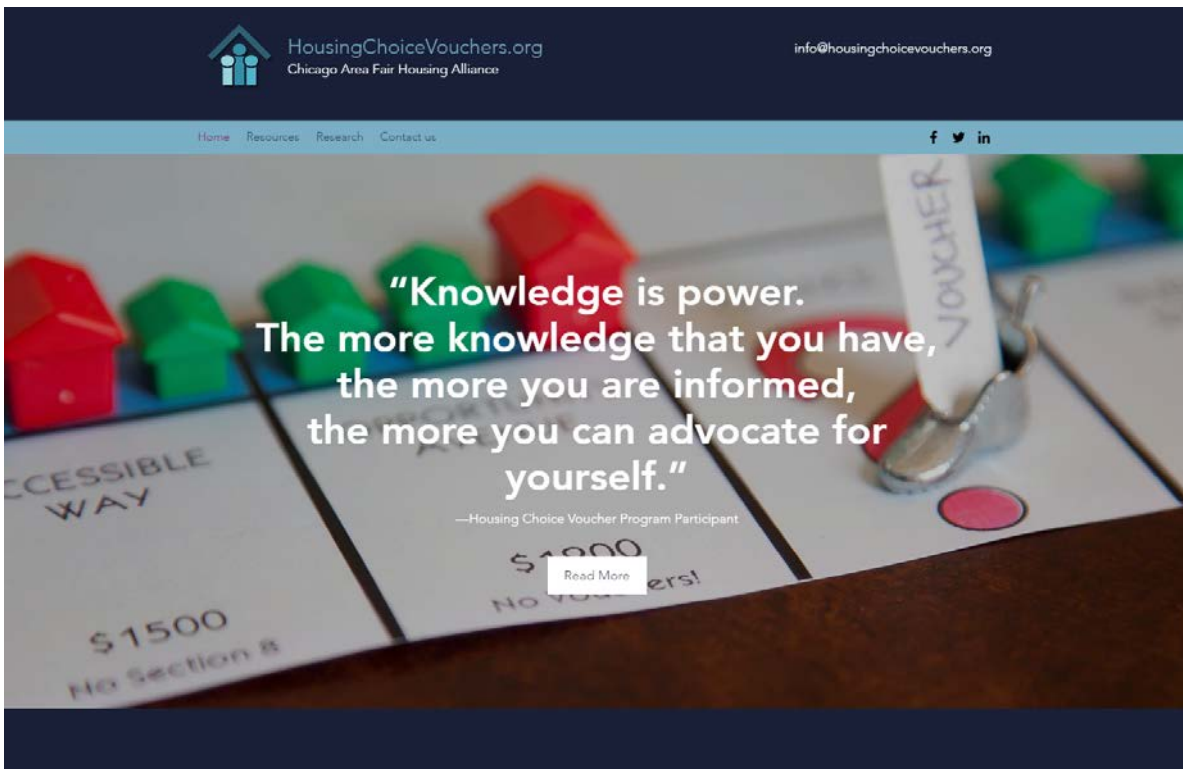
**HOUSING CHOICE VOUCHER HANDBOOK**  
Source of Income Discrimination

*"Knowledge is power. The more knowledge that you have, the more you are informed, the more you can advocate for yourself."*  
—HCV PARTICIPANT

[www.housingchoicevouchers.org](http://www.housingchoicevouchers.org)

CHVA

short handbook presenting clear, concise and accessible material to assist voucher holders in understanding how to detect source of income discrimination and provide guidance on their rights and responsibilities under local fair housing ordinances. The handbook also contained answers to many common questions about the HCV program that were raised throughout our engagement with HCV participants. Wherever possible, we present the stories and experiences of voucher holders themselves to frame the content in the handbook. Including real experiences of HCV participants in Chicago and suburban Cook County provides some encouragement to those reading the handbook that they are not alone in their concerns and may encourage those facing source of income discrimination to file formal complaints with local organizations.



## Website

Written materials quickly become dated. Since HCV participants reported that existing websites are often confusing and difficult to navigate, we sought to create a simple, easy to navigate website to serve as an up-to-date resource for both HCV participants and housing providers. The website contains our suite of educational materials as well as supplemental materials. It also contains an electronic version of this report.

Some HCV participants expressed that many voucher holders do not have Internet access and that others rely on smartphones for web browsing. While we cannot ameliorate the lack of Internet access, a mobile version of our website will function on most smartphone devices.



## EMPOWERING HCV PARTICIPANTS

*“We have to come together as a unit just on a consistent basis in order to advocate for ourselves. We can’t wait until it gets to situation mass critical. We have to show up at these meetings and make our voices heard.”*

— HCV Participant

HCV participants also offered several recommendations to address source of income discrimination beyond refining educational materials. Many of these recommendations focussed upon programmatic improvements to the HCV program. Other recommendations sought to challenge public attitudes and perceptions about vouchers and call for greater involvement in decisions that impact participants’ everyday experiences.

## REACHING HCV PARTICIPANTS AND HOUSING PROVIDERS

We hope to reach a large audience and several CAFHA member organizations will assist in distributing materials to HCV participants in Chicago and suburban Cook County. Distribution of externally-produced resources by housing authorities can be challenging. However, we hope that both the CHA and the HACC will consider sharing these resources directly with HCV participants.

We also hope that housing authorities and other fair housing organizations will consider working alongside HCV participants as we have in the creation of educational materials addressing source of income discrimination in municipalities elsewhere.

### Innovating Participant Involvement

Creating spaces where HCV participants could speak with each other about their shared experiences with housing discrimination.

Ongoing conversations between HCV participants, housing authorities, and housing providers

Public education campaigns to challenge the stigma surrounding the HCV program

Established points of contact at housing authorities to ensure consistent information is provided to HCV participants

An oversight committee comprised of HCV participants to evaluate educational approaches prior to dissemination.

Conducting outreach with housing providers is challenging. There exists no educational opportunities for housing providers who do not already participate in the HCV program. Unlike other municipalities, there is no landlord or rental registry in the city of Chicago and Cook County. If such a registry existed, all housing providers with rental units across in Chicago

and suburban Cook County could receive outreach materials from fair housing organizations via local government entities. While challenging to implement, introducing local ordinances to require a registry would make significant advancements to combating source of income discrimination and expanding housing choice for HCV participants at the local level.

[www.housingchoicevouchers.org](http://www.housingchoicevouchers.org)

# Policy & Legislation



# POLICY & LEGISLATION

Policy and legislation must address the specific needs of low-income families in the Housing Choice Voucher (HCV) program. Innovation in policymaking is essential to overcoming the barriers to housing choice for HCV participants in Chicago and suburban Cook County.

This section of the report investigates how Public Housing Agency (PHA) policies, statewide legislation, and independent litigation can reduce the presence of source of income discrimination. The Chicago Policy Research Team (CPRT) contextualizes the local and federal policies and funding for the HCV program with expected implications of the federal budget cuts anticipated for FY2018. We analyze service provision for HCV participants and highlight uneven access to essential services that would otherwise afford greater choice and opportunity for voucher holders. We also investigate the impact of source of income discrimination protections in the context of the bill pending in the Illinois legislature. Finally, we explore how preliminary injunctions and disparate impact theory can protect the housing choices of HCV participants.

## THE GROWTH OF CHA'S HCV PROGRAM

Chicago was one of the first cities to make large investments of both public and private funds for subsidized housing programs.<sup>1</sup> Following the 1999 approval of Richard M. Daley's Plan for Transformation, the CHA's HCV program became a larger part of the authority's responsibility as the voucher portfolio grew in size to house relocated public housing residents.<sup>2</sup>

The U.S. Department of Housing and Urban Development (HUD) mandated assessments of the conditions of public housing developments in the 1990s. Over 13,700 units in Chicago failed this assessment.<sup>3</sup> Most high-rise family buildings were demolished under the Plan for Transformation. Elsewhere, CHA renovated 10,000 units in low-rise developments and senior buildings and developed 3,000 new units in mixed-income housing developments.<sup>4</sup> Many residents returned to these new and redeveloped properties. Some accepted vouchers and relocated to private rental housing.<sup>5</sup> Others left CHA entirely.

CHA participates in the Moving to Work (MTW) demonstration program alongside 37 other PHAs.<sup>6</sup> This program grants housing authorities greater regulatory and financial flexibility to address localized housing needs.<sup>7</sup> CHA was granted MTW status in 2000 to allow for the Plan for Transformation to proceed. In 2008, its participation in the program was extended to 2018.<sup>8</sup> Last year, its participation was extended to 2028.<sup>9</sup> Of its \$1.08 billion federal funding for

1 Chicago Housing Authority. Plan for Transformation

2 U.S. Department of Housing and Urban Development. The Evolution of HUD's Public-Private Partnerships; Popkin. How Chicago's Public Housing Transformation can Inform Federal Policy, 2

3 Chicago Housing Authority. Plan for Transformation

4 Popkin. How Chicago's Public Housing Transformation can Inform Federal Policy, 3; Chicago Housing Authority. CHA Quarterly Report, 4th Quarter 2016, 2

5 Popkin. How Chicago's Public Housing Transformation can Inform Federal Policy, 3

6 U.S. Department of Housing and Urban Development. Moving to Work (MTW) - Participating Sites

7 Center on Budget and Policy Priorities. Moving to Work

8 Chicago Housing Authority. "About"

9 Chicago Housing Authority. HUD Extends CHA's Moving to Work Status

FY2017, CHA allocated approximately 50% to the HCV program.<sup>10</sup>

## UNEVEN ACCESS TO RESIDENT SERVICES

CHA provides resident services to public housing residents and HCV participants to support their specific needs and promote self-sufficiency.

The importance CHA places on these services is clear: the third and final key goal in Plan Forward promises that “CHA will provide more services to Housing Choice Voucher holders, and improve and implement programs to support young people on the pathway to successful adulthood; connect adults to relevant training and jobs; and tailor services to long-time residents who are unlikely to move to the private market without subsidy.”<sup>11</sup>

Both HCV and public housing participants have high rates of chronic illness and mortality nationwide, and tend to cycle in and out of the workforce.<sup>12</sup> While HCV and public housing programs aim to afford participants opportunity in housing, these financially burdened families also have greater need for opportunity to access services.

Many valuable services are available to both HCV and public housing participants, for instance the Summer Youth Program with paid summer opportunities for youth and young adults, the six-week Transitional Jobs program that offers paid career training, coaching, and experience, and the Choose to Own program that offers training in the homebuying process.

CHA also provides services only applicable to HCV participants, such as the Mobility Counseling Program that assists participants in using their voucher in Opportunity Areas, and specialized quarterly workshops such as ‘Protect Your Rights as a Tenant in Chicago’.<sup>13</sup>

However, some important services afforded to public housing residents are not offered to HCV participants:

- *Despite their efforts to change policy, HCV participants are not afforded the funding and support for participant advocacy and organization that are federally mandated for public housing residents.*<sup>14</sup>
- *Many services applicable to HCV participants and public housing residents alike are only available to public housing residents. Among these services are mental health counseling, the Victim Assistance program, and ability to work with an employment specialist.*<sup>15</sup>

CHA believes there to be value in provision of these services to public housing residents, and so the same opportunity for access and choice should be given to HCV participants as well.

<sup>10</sup> Chicago Housing Authority. 2017 Comprehensive Budget Book, 10-12

<sup>11</sup> Chicago Housing Authority. Plan Forward: Communities that Work, 24

<sup>12</sup> Popkin. Improving the Lives of Public Housing’s Most Vulnerable Families, 2-3

<sup>13</sup> Chicago Housing Authority. “HCV Participant Workshops”

<sup>14</sup> Paige. Panel: “Not Welcome: The Uneven Geographies of Housing Choice”; U.S. Government Publishing Office. 24 CFR Part 964 - Tenant Participation and Tenant Opportunities in Public Housing

<sup>15</sup> Chicago Housing Authority. “Services Overview”

## IMPACT OF FEDERAL BUDGET CUTS

In March 2017, the White House released its budget blueprint for FY2018. The blueprint projected significant cuts to housing assistance by \$6.98 billion nationwide.<sup>16</sup> The Public Housing Capital Fund is expected to be cut by around 70%, or \$1.94 billion. The budget blueprint also proposed eliminating Community Development Block Grants, a loss of \$3.06 billion. The HCV program is expected to lose approximately \$992 million over FY2017 allocations, impacting 119,000 households.<sup>17</sup> While these cuts are not yet approved, several housing authorities across the country have preemptively reduced their budgets.<sup>18</sup> This series of cuts pose serious, adverse impacts on housing assistance efforts nationwide by severely restricting housing choice for low-income families.

Locally, the HCV program is estimated to lose \$32,927,580 across Cook County, impacting 3,255 households. In Chicago, up to 2,575 HCV families could be impacted with an estimated cut loss of \$24,967,200 for CHA's HCV program funds.<sup>19</sup>

**To ensure that no HCV participants will lose their vouchers under the anticipated budget cuts, housing authorities must consider:**

***(1) Lowering payment standards***

A PHA could lower the rent ceiling, requiring HCV participants to pay the difference on their own. For example if the rent ceiling was originally \$1,500, and the PHA lowers it to \$1,300, the HCV participant is required to pay the remaining \$200 out of pocket.

***(2) Reducing subsidy standards***

A PHA could enforce new occupancy standards that would force families to live in housing units with fewer bedrooms.

***(3) Refusing to grant reasonable accommodation requests***

A PHA could deny requests for reasonable accommodations citing financial burden, limiting choice for households with disabilities who are usually entitled to certain benefits and exemptions.

The impact of the proposed budget cuts is already affecting HCV participants in Cook County. Since April 1, 2017, the Housing Authority of Cook County (HACC) has enforced a new occupancy standard and denied requests to increase rent. This new policy requires that two family members share a bedroom unless a reasonable accommodation request is granted.

HUD has also issued guidance related to potential shortfall funding for CY2017.<sup>20</sup> If a

<sup>16</sup> Affordable Housing Online. Trump-Carson Housing Budget Cut Estimator for Your Community

<sup>17</sup> Ibid.

<sup>18</sup> Capps. Tracking the Shadow of Public Housing Budget Cuts

<sup>19</sup> Ibid.

<sup>20</sup> U.S. Department of Housing and Urban Development. Notice PIH 2017-07

PHA is notified of a potential shortfall, the agency must cease issuing new HCVs and rescind any vouchers issued to applicants after the notification date. PHAs must also cease absorbing portable vouchers. If a PHA complies with these requirements, the agency is eligible for shortfall funding.<sup>21</sup>

## SB 1331: ILLINOIS STATEWIDE SOURCE OF INCOME PROTECTION

Fair housing protections vary by jurisdiction. Source of income is protected by the City of Chicago and Cook County, but not at the federal or state level. Source of income protections for HCV participants were recently added to Cook County in 2013.<sup>22</sup> In Chicago and Cook County, ‘source of income’ is defined as “the lawful manner by which an individual supports himself or herself and his or her dependents.”<sup>23</sup>

Federal: USA	State: Illinois	County: Cook	City: Chicago
<ul style="list-style-type: none"> <li>➤ Race and/or color</li> <li>➤ Religion</li> <li>➤ National origin</li> <li>➤ Age</li> <li>➤ Sex</li> <li>➤ Pregnancy</li> <li>➤ Citizenship</li> <li>➤ Familial status</li> <li>➤ Disability status</li> <li>➤ Veteran status</li> <li>➤ Genetic information</li> </ul>	<p>All federal categories <i>plus:</i></p> <ul style="list-style-type: none"> <li>➤ Ancestry age (40 and over)</li> <li>➤ Physical or mental handicap</li> <li>➤ Sexual orientation</li> <li>➤ Marital status</li> <li>➤ Military discharge status</li> <li>➤ Order of protection status</li> </ul>	<p>Federal and state <i>plus:</i></p> <ul style="list-style-type: none"> <li>➤ <b>Source of income (includes HCV Program)</b></li> <li>➤ Parental status</li> <li>➤ Housing status</li> <li>➤ Gender equality</li> </ul>	<p>All Federal, State, and County Protections</p>

**Table 1.** This table presents the protected classes listed in the Civil Rights Act of 1964, the Illinois Human Rights Act, the Cook County Human Rights Ordinance, and the City of Chicago Fair Housing Ordinance.

Senate Bill 1331, proposed by Senator Melinda Bush in the 100th General Assembly on February 9 2017, seeks to add source of income protections to the Illinois Human Rights Act to protect HCV participants statewide.<sup>24</sup>

Proposals to add source of income protections at the state level have been considered several times before. In the 93th General Assembly, the bill died in the Senate at the end of the term.<sup>25</sup>

<sup>21</sup> Ibid.

<sup>22</sup> Lawyers Committee for Better Housing. Source of Income Protections Extended Throughout Cook County

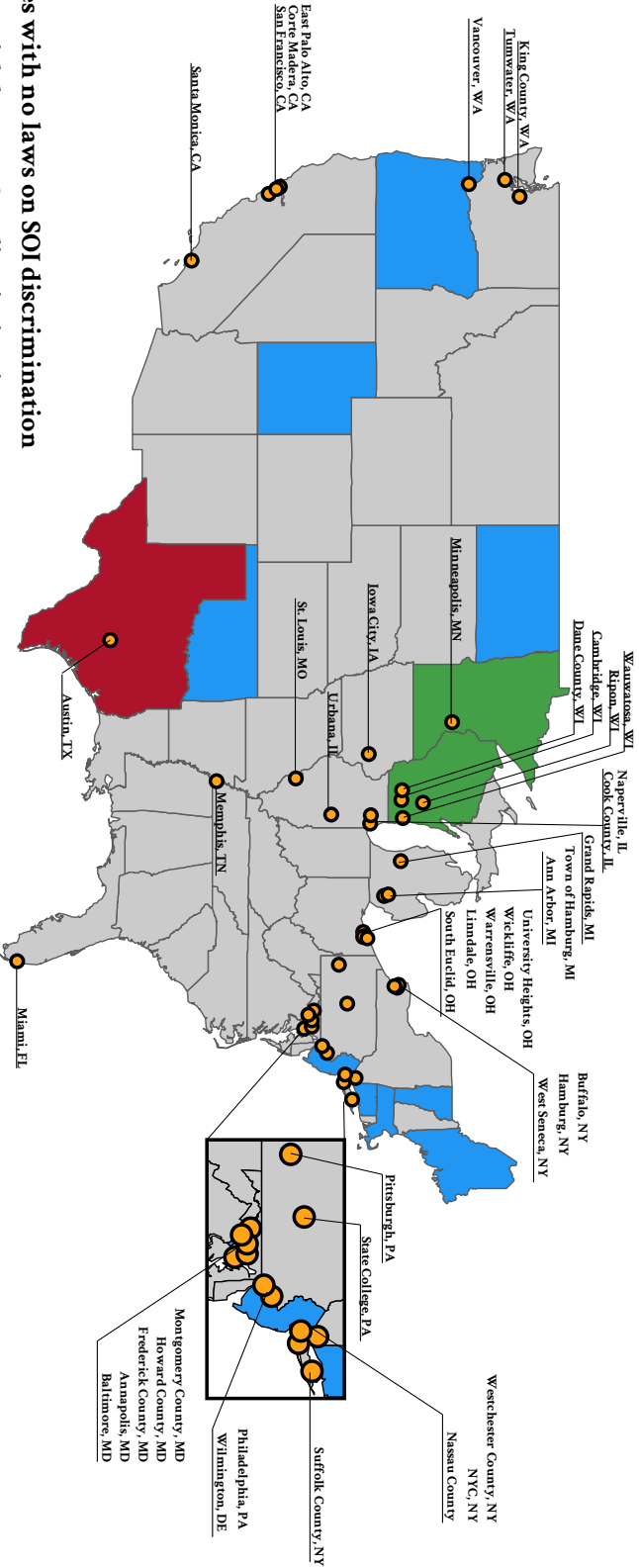
<sup>23</sup> City of Chicago Commission on Human Relations. Ordinances administered by the City of Chicago Commission on Human Relations, 8; Cook County Commission on Human Rights. Cook County Human Rights Ordinance, 3

<sup>24</sup> Illinois General Assembly. Bill Status of SB1331, 100th General Assembly

<sup>25</sup> Illinois General Assembly. Bill Status of SB0302, 93rd General Assembly

# Nationwide Legislation on Source of Income Anti-discrimination

- States with no laws on SOI discrimination
- States with laws on SOI discrimination
- States prohibiting SOI anti-discrimination laws
- States with laws on SOI discrimination that were undermined by courts
- Cities/counties with laws on SOI discrimination



Source: Poverty & Race Research Action Council April 2017



In the 94th, 95th, and 97th General Assembly, the bill died in the House at the end of the term.<sup>26</sup>

As of May 2017, progress on S.B. 1331 has been halted in the Senate until 30 votes can be gained to pass it to the House.<sup>27</sup> Once in the House, the bill will need 60 votes before the governor can either sign the law or veto it.

Lobbyists from the Illinois Realtors Association (IRA) oppose S.B. 1331. The association opposes requiring housing providers to participate in the HCV program.<sup>28</sup> The Realtors Political Action Committee (RPAC) is well positioned to influence the General Assembly with funding from IRA's 44,000 members.<sup>29</sup> Though bills can and do pass with limited outside financial support, large-scale lobbying attempts make S.B. 1331 vulnerable.

Jurisdictions across the nation have benefited from the introduction of source of income anti-discrimination laws like S.B. 1331. These laws offer protections for HCV participants that influence the behavior of housing providers and have the potential to expand housing choice and mobility for voucher holders.

## USING PRELIMINARY INJUNCTIONS IN DISCRIMINATION CASES

In Chicago, the number of formal discrimination complaints does not match the level of discrimination experienced by voucher holders.<sup>30</sup> This disparity may, in part, exist because there is no legal mechanism to ensure HCV participants who experience and report discrimination will maintain the right to lease the property. Without this right, HCV participants are likely less motivated to file formal complaints. However, earlier this year, the Chicago Commission on Human Relations began to implement an early intervention measure in an effort to discuss allegations of discrimination with a housing provider earlier in the complaint process.<sup>31</sup>

Preliminary (or temporary) injunctions are short-term measures that plaintiffs can seek to restrict a housing provider

### Federal Guidelines to Gain a Preliminary Injunction

*42 U.S. Code § 3613*

- (1) There is a substantial likelihood of success on the merits of the case,
- (2) They face a substantial threat of irreparable damage or injury if the injunction is not granted,
- (3) The threat is immediate,
- (4) The balance of harms weighs in favor of the party seeking the preliminary injunction,
- (5) There is no other available remedy,
- (6) The grant of an injunction would serve the public interest.

<sup>26</sup> Illinois General Assembly. Bill Status of SB0045, 94th General Assembly; Illinois General Assembly. Bill Status of SB0225, 95th General Assembly; Illinois General Assembly. Bill Status of SB1551, 97th General Assembly

<sup>27</sup> Illinois General Assembly. Bill Status of SB1331, 100th General Assembly

<sup>28</sup> Illinois Realtor's Association. State Capitol Report

<sup>29</sup> Illinois Sunshine. Illinois Association of Realtors Fund

<sup>30</sup> Barlow. Panel: "Not Welcome: The Uneven Geographies of Housing Choice"

<sup>31</sup> Chicago Area Fair Housing Alliance. Working Group on Housing Choice Vouchers

from renting a property before the resolution of a housing discrimination complaint.<sup>32</sup> The Fair Housing Ordinance of Cook County permits injunctions, but the Chicago Fair Housing Ordinance does not.<sup>33</sup> Due to jurisdictional issues, source of income discrimination complaints in Chicago cannot be heard in Cook County courts.

In the City of Chicago, lawyers first need to petition the City Council to add preliminary injunctions to the Chicago Fair Housing Ordinance before they can be utilized in practice. Local fair housing advocates, including Betsy Shuman-Moore of the Chicago Lawyers' Committee for Civil Rights Under Law, have made multiple attempts in the past few years to change the Chicago Fair Housing Ordinance.<sup>34</sup>

### Case Study: City and County of San Francisco v. Chuck Post

In 2016, San Francisco city attorney Dennis Herrera successfully gained a preliminary injunction in a case of online discrimination against an HCV participant. In this case, the City and County of San Francisco sued LEM-RAY Properties and associated real estate broker Chuck Post. Herrera used a preliminary injunction in this case to guarantee that LEM-RAY units would be available to HCV participants before the court case ended.

In order to petition for a preliminary injunction, Herrera cited San Francisco source of income protections to demonstrate that the plaintiff had “substantial likelihood of success on the merits of the case,” one of the six federal guidelines for preliminary injunctive relief. LEM-RAY advertisements on Craigslist.org stated “Sorry, but No Section 8 or Subsidy Vouchers Accepted,” a clear violation of the law. Herrera thereby demonstrated that the City and County had a substantial likelihood of winning the case. The City had previously won a 2006 discrimination case against Chuck Post and LEM-RAY Properties.

Not all fair housing ordinances allow for injunctive relief, but it is available in San Francisco. San Francisco Code also allows advocacy organizations to file source of income discrimination complaints. Due to substantial evidence and because the court in which Herrera filed his case allowed preliminary injunctions, it was possible for Herrera to gain a preliminary injunction. This technique can be utilized in other jurisdictions that have provisions for injunctive relief in their ordinances.

In Cook County, where injunctions are included in the Fair Housing Ordinance, preliminary injunctions are feasible. Proving that a plaintiff has “substantial likelihood of success on the merits of the case” is one of six federal requirements to file a preliminary injunction. Since Cook County has source of income protections, any online rental listings that explicitly refuse to rent to HCV participants are illegal and can be utilized as evidence.

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<sup>32</sup> American Bar Association. Understanding Injunctions

<sup>33</sup> The John Marshall Law School. A Primer on Fair Housing Law

<sup>34</sup> Shuman-Moore. Email message to Gautami Galpalli, May 15, 2017

Complaints in Cook County can either be filed by an injured party or by the Commission. However, in San Francisco, any person or organization who believe a violation has occurred can file a complaint. In Herrera’s case, the plaintiff was not HCV holders, but it was the City and County of San Francisco. For a similar case on behalf of Cook County, fair housing advocates could encourage the Cook County Commission on Human Rights to file complaints against housing providers.

Given the high cost of litigation, preliminary injunctions should be used against housing providers that own multiple units and have a record of repeated discrimination complaints. Other methods, such as housing provider outreach and education, should be the first step to reduce online discrimination against HCV participants, but if legal action is necessary, preliminary injunctions ensure that voucher holders do not face additional barriers to choice.

## USING DISPARATE IMPACT THEORY TO ADDRESS DISCRIMINATION

Source of discrimination is only outlawed in a small number of states and cities in the United States, but there are certain legal protections still available to those without state or local protections. HCV participants can bring suits against housing providers under the legal doctrine of “disparate impact.”<sup>35</sup>

The doctrine of disparate impact states that housing providers can be sued for actions that have disproportionate impacts on protected classes regardless of intent.<sup>36</sup> This doctrine could be useful in source of income discrimination cases because HCV participants are disproportionately protected classes. The Supreme Court recently upheld this doctrine in the *Inclusive Communities* decision, and it is a promising legal option for those that live in states without source of income protections.<sup>37</sup>

To bring a disparate impact case, a member of a minority group who has been discriminated against for being a HCV participant must first bring a suit alleging a *prima facie* case of discrimination that “has a substantial, adverse impact on a protected group.”<sup>38</sup>

### Presenting Evidence of Disparate Impact

The courts require statistical evidence to compare the numbers of potential African American applicants to potential white applicants.<sup>1</sup> For instance, one could compare the number of African Americans and whites on the waitlist for a city’s voucher program. In Washington D.C., the percentage of African American households in the city on the voucher waitlist was 29.15%, compared to just 0.84% for whites, indicating that African American households would be 34 times more likely than whites to be negatively affected by source of income discrimination.<sup>2</sup>

1 Schwemm and Bradford. Proving Disparate Impact in Fair Housing Cases After *Inclusive Communities*, 724-726

2 Ibid., 720-725.

35 Schwemm and Bradford. Proving Disparate Impact in Fair Housing Cases After *Inclusive Communities*, 690

36 Tighe, Hatch, and Mead. Source of Income Discrimination and Fair Housing Policy, 6

37 Hancock and Glass. Symposium: The Supreme Court recognizes but limits disparate impact in its Fair Housing Act decision, 1

38 Daniel. Bringing Real Choice to the Housing Choice Voucher Program: Addressing Voucher Discrimination Under the Federal Fair

If adverse impact is demonstrated, the housing provider can respond by providing a legitimate business reason for the policy. To win the case, the plaintiff must then show that nondiscriminatory business practices were available that would yield similar outcomes. Having successfully completed these three steps, a plaintiff then show that the housing provider has discriminated against a protected class in violation of the Federal Fair Housing Act (FHA) and can pursue damages as well as injunctive relief.<sup>39,40</sup>

The rich legal history of disparate impact doctrine indicates that it has strong potential for future litigation. The Supreme Court most famously used the disparate impact doctrine in *Griggs v. Duke Power, Co.*, which used Title VII of the Civil Rights Act of 1964 to strike down the use of general aptitude tests in hiring practices.<sup>41</sup> The Congressional intentions behind Title VII of the Civil Rights Act of 1964 are considered very similar to those behind the FHA, so it is logical to pursue disparate impact theory under the FHA.<sup>42</sup>

Federal appeals courts have been receptive to the use of disparate impact to make claims under the FHA.<sup>43</sup> The majority opinion in the 2000 case *Langlois v. Abington Housing Authority* notes that the consensus opinion among appeals courts allows for use of disparate impact theory under the FHA.<sup>44</sup> There have also been circuit court cases that have ruled against using disparate impact theory under the FHA, but most appeals courts have agreed on this issue.<sup>45</sup>

One objection legal scholars make against using disparate impact under the FHA is that Congress cared that the HCV program was voluntary for owners.<sup>46</sup> However, Congress never explicitly declared its intent for the HCV program to be voluntary, and anti-discrimination is clearly a chief goal of the FHA; the authors of the bill would likely have supported pursuit of disparate impact claims.<sup>47,48</sup>

The 2015 Supreme Court case *Texas Department of Housing & Community Affairs v. Inclusive Communities Project* provides the best glimpse of the state of disparate impact theory. This decision was the first by the Supreme Court on the subject, after some mixed case law in district and appeals courts.<sup>49</sup> In the earlier case of *Dussault v. RRE Coach Lantern Holdings LLC* (2014), the Maine Supreme Court—a state court—ruled that disparate impact liability was “not available for Section 8 recipients” under the Maine Human Rights Act.<sup>50</sup>

Although the *Inclusive Communities* decision did affirm the doctrine of disparate impact, it also imposed more restrictive demands on plaintiffs that may constrain the effectiveness of litigation in the future.<sup>51</sup> *Inclusive Communities* confirms the validity of the three step process for establishing proof of disparate impact, which is in line with HUD’s 2013 regulations.<sup>52</sup>

The main difficulty posed by *Inclusive Communities* is that it imposes a higher standard of proof at

Housing Act, 782

39 Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, 82 Stat. 73 (1968). The FHA, as amended, is codified at 42 U.S.C. §§ 3601–3619 (2012).

40 Schwemm and Bradford. Proving Disparate Impact in Fair Housing Cases After *Inclusive Communities*, 692-697

41 Daniel. Bringing Real Choice to the Housing Choice Voucher Program: Addressing Voucher Discrimination Under the Federal Fair Housing Act, 782

42 *Ibid.*

43 *Ibid.*

44 FindLaw. *Langlois v. Abington Housing Authority*

45 Daniel. Bringing Real Choice to the Housing Choice Voucher Program: Addressing Voucher Discrimination Under the Federal Fair Housing Act, 788-791

46 *Ibid.*, 785

47 *Ibid.*, 786

48 *Ibid.*, 787

49 Hancock and Glass. Symposium: The Supreme Court recognizes but limits disparate impact in its Fair Housing Act decision, 2

50 Solotoff, *Dussault v. RRE Coach Lantern Holdings, LLC: Does the Maine Recognize Disparate Impact Liability for Claims of Housing Discrimination Brought by Section 8 Recipients under Maine Law?*, 211

51 Schwemm and Bradford. Proving Disparate Impact in Fair Housing Cases After *Inclusive Communities*, 685-690

52 *Ibid.*, 692-697

the first stage—*prima facie*—in order to reduce the number of badly documented claims.<sup>53</sup> The plaintiff will need to have convincing statistics and a sound argument when presenting the case, even at the early stages; otherwise, the court may not proceed with the case due to concerns of burdening the defendant.<sup>54</sup>

*Inclusive Communities* also requires a clear causal link between the defendant's discriminatory policy and its negative effects on the protected class; statistics demonstrating racial imbalance are not enough unless a clear policy can be blamed.<sup>55</sup> Nevertheless, causation is fairly easy to prove in cases where a housing provider screens against HCV participants, which is the most common case of source of income discrimination.<sup>56</sup> Overall, *Inclusive Communities* moves a step forward by reversing appellate court decisions denying disparate impact and allowing litigation to proceed across the country, albeit with some limitations.

One particular issue where disparate impact litigation could be promising is with minimum credit score requirements, despite lack of success up to now. In the National Public Housing Museum Storytelling Event, a number of HCV participants voiced complaints about excessively stringent credit score requirements for apartment applications.

*“But I need these buildings to understand that we are not all the same, and that an 820 [credit score] does not make you better than the 620 that I have. You know what I’m saying? This credit score. It just doesn’t, it absolutely does not.”*  
—HCV Participant

Although credit scores are a common method for housing providers to gauge the financial status of prospective tenants, they have been shown to have a discriminatory effect on minorities.<sup>57</sup> Some people have brought suits against use of credit scores in screenings by housing providers, but the lack of data on credit scores across race has hampered the success of these cases.<sup>58</sup> Disparate impact doctrine provides a promising method to challenge use of credit scores by housing providers, even in places like Chicago with laws against source of income discrimination, but more work needs to be done to gather the necessary data to prove such a claim in court.

Disparate impact theory is a promising strategy to combat source of income discrimination, but the inherent difficulties of working through the legal system remain. Several lawsuits have advanced action on source of income anti-discrimination laws. Dallas reached a deal with HUD in 2014 to enhance housing and consider a source of income anti-discrimination law after the city was brought to court by two developers in 2010.<sup>59</sup>

The main disadvantages of a legal approach are that it imposes onerous temporal and monetary constraints. The legal system is much slower and much more expensive than almost

53 Hancock and Glass. Symposium: The Supreme Court recognizes but limits disparate impact in its Fair Housing Act decision, 2

54 *Ibid.*

55 *Ibid.*, 2

56 Schwemm and Bradford. Proving Disparate Impact in Fair Housing Cases After *Inclusive Communities*, 692-695

57 *Ibid.*, 739-740

58 *Ibid.*, 740

59 Benning. Reverberations from City of Dallas' HUD Discrimination case to be felt, 1

any other policy or legislative prescription. Litigants may not see any benefits for years after the discrimination occurs. HCV participants are also unlikely to have the monetary resources to fight a protracted legal battle, especially compared to the resources of large housing conglomerates.

This strategy only works where voucher holders are also members of protected classes, such as a minority group. It may not be useful in places where almost everyone is white.<sup>60</sup> Nevertheless, fair housing advocates could explore disparate impact's potential uses nationwide to protect HCV participants. One possible strategy would be for a legal organization supporting fair housing to find test cases to pursue pro bono that could further the precedent for disparate impact theory and create standards for the data and evidence necessary for a successful case. If successful cases were widely publicized, this strategy could create a powerful deterrent to housing providers by adding potential legal challenges to the possible restraints. Moreover, this strategy will expand opportunities and reduce barriers to housing choice for HCV participants.

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<sup>60</sup> Schwemm and Bradford, *Proving Disparate Impact in Fair Housing Cases After Inclusive Communities*, 689

# Bibliography



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## INTRODUCTION

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