

**IN SEARCH OF DECENT HOUSING IN THE D.C. METROPOLITAN AREA:**  
**THE AFFORDABLE HOUSING CRISIS FOR SECTION 8 VOUCHER HOLDERS**



The Equal Rights Center  
11 Dupont Circle, N.W., 4<sup>th</sup> Floor  
Washington, D.C. 20036  
(202) 234-3062

Reverend James G. Macdonell, President  
Rabbi Bruce E. Kahn, Executive Director

With assistance from  
The Washington Lawyers' Committee for Civil Rights & Urban Affairs  
11 Dupont Circle, N.W., Suite 400, Washington, D.C. 20036

April 11, 2005



**WASHINGTON LAWYERS' COMMITTEE  
FOR CIVIL RIGHTS & URBAN AFFAIRS**

**IN SEARCH OF DECENT HOUSING IN THE D.C. METROPOLITAN AREA:  
THE AFFORDABLE HOUSING CRISIS FOR SECTION 8 VOUCHER HOLDERS**

The dwindling supply of affordable housing in the D.C. Metropolitan Area has been well documented. What is less-well documented is the impact of this change in the local real estate market on households participating in the Housing Choice Voucher Program – the nation’s largest, federal, low-income housing assistance program. The Housing Choice Voucher Program is a low-income housing program that was designed to allow eligible, low-income families to use a rental voucher to move from high-poverty to lower-poverty neighborhoods. Initiated in 1974, the program was a popular alternative to high-rise public housing which too often had the effect of concentrating low-income families in high-poverty neighborhoods. However, when real estate markets become tight, and affordable housing becomes scarce, voucher holders have a difficult time finding eligible rental units where they can use their vouchers. Compounding this problem is the refusal of some local real estate and property management companies to rent to individuals with housing vouchers, despite the existence of local civil rights laws that prohibit landlords from refusing to rent to prospective tenants because they have housing vouchers.

The Housing Choice Voucher Program is the nation’s largest, federal, low-income housing assistance program. The Housing Choice Voucher Program, formerly named the Section 8 Program after the section of the legislation that authorized the program, was started in 1974. Today, approximately two million low-income families across the country use housing vouchers to secure decent, affordable rental housing. Most of these approximately two million households are low-income seniors, individuals with disabilities, or working families. In the District of Columbia today, there are

approximately 9,000 low-income households using housing vouchers to cover a portion of their monthly rent, and there are approximately 30,000 low-income households on the waiting list to receive a housing voucher. The average income of housing voucher recipients in D.C. is just over \$11,000 annually in 2005. Approximately fourteen percent (14%) of voucher recipients are elderly, and over half (54%) of voucher recipients are families with children. The average time that an individual or family spends on the waiting list with the D.C. Housing Authority is approximately six years.

The Center for Budget and Policy Priorities predicts that current federal budget cuts will likely lead to the loss of 370,000 housing vouchers nationwide by 2010. For the District of Columbia, the Center estimates that voucher cuts in 2005 will mean 128 fewer vouchers for working families, 56 fewer vouchers for elderly individuals, and 56 fewer vouchers for individuals with disabilities. From 2005 to 2010, the estimated voucher cuts in the District of Columbia are even more disturbing: over 1,000 vouchers will be lost including 598 fewer vouchers for working families, 262 fewer vouchers for elderly individuals, and 262 fewer vouchers for individuals with disabilities.

Under the Housing Choice Voucher Program, low-income households receive a housing voucher from their local public housing agency which they may use to cover a portion of their monthly rent with a private landlord. Vouchers must be used within a limited period of time or they expire. Because, in part, of the difficulty of finding housing where vouchers are accepted, thousands of D.C. voucher holders, unable to find a landlord who will accept their voucher, have lost their vouchers after having spent years on the waiting list.

Housing vouchers may be used to rent any apartment, single-family home, or townhouse available on the market provided the physical condition of the housing meets federally-established housing quality standards, which are similar to standards imposed under local housing codes, and the total monthly rent is equal to or less than the federally defined "Fair Market Rents" for the relevant metropolitan area and deemed reasonable compared to the rents for similar housing in that geographic area. Households

participating in the voucher program pay thirty percent (30%) of their total monthly income towards their monthly rent, and the remainder of the monthly rent is paid by the local public housing agency directly to the landlord. Local public housing agencies, including both the D.C. Housing Authority and the Montgomery County Housing Opportunities Commission, also provide participating families with financial assistance to help cover their monthly utility expenses. For 2005, the maximum rent for which voucher recipients are eligible in the District of Columbia Metropolitan Area, which includes Montgomery County and Prince George's County, Maryland, and Arlington County, Fairfax County, Alexandria City, Fairfax City, and Falls Church City, Virginia are: \$915/month for an efficiency apartment, \$1,045/month for a one-bedroom apartment, \$1,187/month for a two-bedroom apartment, \$1,537/month for a three-bedroom apartment, and \$2,000/month for a four-bedroom apartment. Factors including family size and disability affect the size of unit for which the voucher recipient is eligible.

Approximately ninety-seven percent (97%) of households using vouchers in the District of Columbia are African American. According to 2000 Census figures, the general population in the District of Columbia is 59% African American and 28% white. 2000 Census figures further indicate that among District of Columbia residents who rent, 58% are African American and 29% are white.

Since 1977, the District of Columbia Human Rights Act has prohibited private landlords from discriminating against tenants because of their "source of income," which is generally defined to include money secured from federal payments and specifically defined to include monetary assistance provided under the Section 8 program. *See* D.C. Code § 2-1402.21; § 2-1401.02 (29); § 42-2851.05. In addition to the District of Columbia, eleven states and numerous local governments, including Montgomery County and Howard County, Maryland, have enacted local fair housing laws that prohibit discrimination on the basis of source of income.<sup>1</sup> As a result, in the District of Columbia

---

<sup>1</sup> The following states have source of income protections in their fair housing laws: California, Connecticut, Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Utah, Vermont, and Wisconsin. Local governments with source of income laws include the City of Chicago, and localities in Georgia and New York, and Oregon.

and in these other jurisdictions, it is illegal for private landlords to refuse to rent to prospective tenants because they intend to cover a portion of their rent with a housing voucher. In addition, landlords participating in the federal Low-Income Housing Tax Credit Program, a program providing tax incentives to investors who develop low-income housing, are prohibited under federal law from discriminating against potential tenants because they have housing vouchers.

The Equal Rights Center is a District of Columbia-based, civil rights advocacy organization that promotes equal opportunity in housing, education, and places of public accommodation in the Greater Washington, D.C. area. The organization, founded by a group of inter-denominational clergy, accomplishes its mission through civil rights education and outreach, counseling of tenants and landlords, enforcement, testing, and training. Rabbi Bruce E. Kahn, Executive Director of the Equal Rights Center, explained the importance of compliance with the District's prohibition on source of income discrimination: "At a time when we have an increasing shortage of decent, affordable housing, especially for families with children, it is extremely important to enforce existing civil rights laws. Hard working families who are able to secure scarce Section 8 vouchers and are good tenants must be given the same opportunity to rent as families who can afford to rent housing without financial assistance."

The Equal Rights Center received complaints from voucher holders in the District of Columbia that landlords were refusing to rent to them because they were intending to use a housing voucher to pay for part of their rent. In response to these complaints, beginning in 2003, the Equal Rights Center conducted an investigation of area landlords to determine the extent of illegal discrimination against voucher holders.

From 2003 through 2005, the Equal Rights Center conducted testing of rental properties advertised in local news media with rents at or below Fair Market Rents. The results were startling. Between 2003 and 2005, ERC testers responded to 108 advertisements for rental housing priced within voucher payment standards. The purpose of this investigation was to determine the extent of discrimination against voucher

holders and to assess the kinds of responses a voucher holder might receive when searching for rental housing through advertisements. The testers, posing as voucher holders, inquired about availability of housing and gathered information about the policies and practices of housing providers with respect to accepting housing vouchers as a source of income.

In all, testers contacted approximately 75 apartment buildings and 13 real estate management companies. Testers were told 26% of the time that vouchers were not accepted as a form of rent payment under any circumstances. In 35% of the test calls, housing providers noted limitations that would bar most voucher holders from renting available units. Essentially, 61% of the test calls resulted in responses of outright refusal to rent to voucher holders or in the testers learning of significant obstacles for voucher holders looking for rental housing. These obstacles included statements that an apartment building had reached its capacity for voucher holders, rent was higher for voucher holders, the building did not pass code inspection, or only apartments of a certain size were available to voucher holders. In some cases, testers were told that voucher holders, who qualify for the housing subsidy by virtue of their low income, could be accepted for tenancy only if they earned as much money as regular applicants. In 2% of the calls, housing providers expressed ignorance about the voucher program. Only in 37% of test calls did providers say they accepted vouchers as a form of rent without obstacle. (See Attached Chart.) It is estimated that the discriminatory policies of these landlords effectively makes well over 4,000 rental units unavailable to tenants who use housing vouchers.

Studies have reported that rents in the District of Columbia have increased over fifty percent (50%) since 2001, and that vacancy rates have dropped. The combination of rising rents and fewer available apartments in the District of Columbia, combined with discriminatory practices against low-income voucher recipients, has created a housing crisis for low income tenants in the District. Tenants in D.C., who wait on average over six years to receive a voucher, find that their housing options can become even more constricted when they finally receive the voucher.

Based on the results of their testing investigation, the Equal Rights Center intends to initiate appropriate enforcement actions against landlords who illegally discriminate against housing voucher recipients.

On February 22, 2005 the Equal Rights Center, and a Montgomery County family, filed a lawsuit against a Maryland landlord who refused to accept housing vouchers in violation of the Montgomery County fair housing law. On December 9, 2001, Lisa and Lance Sloane and their five children, along with the Equal Rights Center, filed suit in Montgomery County Circuit Court against Edwin C. Grayson and Comar Management, Inc., alleging a discriminatory refusal to accept Housing Choice Vouchers, in violation of the Montgomery County fair housing law. The Sloane family for seven years rented a three-bedroom townhouse in the Naples Manor apartment complex in Silver Spring, Maryland, owned and managed by Comar and Grayson. In June 2002, the Sloanes became eligible for a Section 8 housing voucher issued by the Montgomery County Housing Opportunities Commission. Although the Sloanes had been renting their townhouse from Comar Management, Inc. for almost seven years, had been good tenants, and had consistently paid their rent on time, Grayson and Comar refused to participate in the housing voucher program, forcing the Sloanes to leave their home and community of seven years and uproot their family. Mr. Grayson made disparaging remarks to Mrs. Sloane about Housing Choice Voucher recipients and said that he believed other tenants would not rent in the Naples Manor community if they knew the community accepted Housing Choice Vouchers. In their lawsuit, the Sloanes and the Equal Rights Center seek compensatory and punitive damages and injunctive relief. The case is currently pending.

Legal counsel for the Equal Rights Center and the individuals in the litigation described in this report was provided by the Washington Lawyers' Committee for Civil Rights & Urban Affairs ("the Committee"), with *pro bono* assistance from private law firms. The Committee was established in 1968 to provide *pro bono* legal services to address issues of discrimination and entrenched poverty. Since its founding, the Committee has handled more than 5,000 cases on behalf of individuals and advocacy organizations in the areas of equal employment, fair housing, public accommodations,

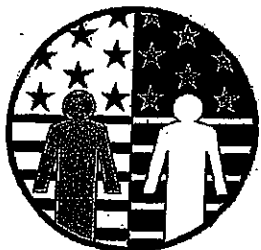
public education, asylum and refugee rights, and disability rights. For more information about the Committee, please visit its website at [www.washlaw.org](http://www.washlaw.org).



**WASHINGTON LAWYERS' COMMITTEE**  
**FOR CIVIL RIGHTS & URBAN AFFAIRS**

The Washington Lawyers' Committee for Civil Rights & Urban Affairs for over thirty-five years has represented both individuals and groups seeking to vindicate their civil rights. It has handled over 5,000 civil rights cases, in employment, housing, public accommodations, and other aspects of urban life. It represents people with claims of discrimination based on race, gender, national origin, disability, age, religion, sexual orientation, and source of income. It assists immigrants seeking asylum and other help. It works for education reform in the D.C. public schools. Leveraging its own broad expertise in discrimination litigation with the resources of Washington, D.C.'s private bar, the Committee's litigation efforts have become nationally known for landmark court victories, record judgments, and precedent-setting consent decrees. Its capacity to mobilize the private bar has made it possible for the Committee to provide its clients more than 50,000 hours of quality legal representation every year.

The Washington Lawyers' Committee and its counterparts in other cities were formed after the publication of the Report of the National Advisory Commission on Civil Disorders, which had identified discrimination and poverty as the root causes of the riots that erupted in cities around the nation during the late 1960's and in Washington, D.C. in April 1968 following the assassination of Dr. Martin Luther King, Jr. The hallmark of the Committee has always been its ability to mobilize the resources of the private bar to address injustice and inequality.



## THE EQUAL RIGHTS CENTER

---

11 Dupont Circle, NW, 4<sup>th</sup> Floor > Washington, DC 20036 > 202.234.3062 > (f) 202.234.3106

### Vision

Advancing fairness and equality in housing, employment, and public accommodations.

### Mission

The Equal Rights Center is a non-profit civil rights organization dedicated to identifying, challenging, and eliminating discrimination in housing, employment, and public accommodations through education, research, testing, counseling, enforcement, and advocacy.

### Background

Founded by community leaders and interdenominational clergy, the Equal Rights Center (ERC) formed in 1999 when the Fair Housing Council of Greater Washington merged with the Fair Employment Council of Greater Washington. The ERC is the first private civil rights organization in the nation dedicated to advancing the principles of fair housing, fair employment and equal access to public accommodations.

In partnership with the Washington Lawyers' Committee for Civil Rights & Urban Affairs and the nation's top litigators, the ERC has served as a plaintiff in numerous lawsuits meant to combat discriminatory practices that illegally deny access and opportunity. Through traditional and novel techniques, the ERC has identified, documented, and exposed discriminatory practices in the areas of housing, employment, and public accommodations. Landmark ERC cases have uncovered discriminatory practices by home warranty coverage and homeowner's insurance companies, mortgage lending institutions, the taxicab industry, and internet-based delivery services.

Using testing and other investigative methods, the ERC ensures that employers, housing providers, and public accommodations providers are compliant with laws that protect all persons from discrimination. For more information about the ERC's programs and services, see our website at [www.equalrightscenter.org](http://www.equalrightscenter.org).

## Board of Directors

The ERC's Board of Directors is composed of a diverse group of prominent clergy and civil rights leaders, all of whom have a longstanding commitment to equal justice.

<u>Members</u>	<u>Title</u>	<u>Location</u>
Rev. Dr. James G. Macdonell	President	Bethesda, MD
Kim Keenan	1 <sup>st</sup> Vice President	Jack H. Olender & Associates Washington, DC
Professor Peter Edelman	2 <sup>nd</sup> Vice President	Georgetown University Law Center Washington, DC
Professor Robert Dinerstein	Treasurer	American University Washington College of Law Washington, DC
Monsignor Ralph Kuehner	Secretary	Derwood, MD
James O. Gibson	Chair, Personnel Committee	Center for the Study of Social Policy Washington, DC
Sue A. Marshall		The Community Partnership for the Prevention of Homelessness Washington, DC
Beatriz Otero		Centronia Washington, DC
Jackie Simon		Avery-Hess Realtors Washington, DC
Tony Yih		Aisan American LEAD Washington, DC
George Ruttinger	General Counsel	Crowell & Moring Attorney's at Law, Washington, DC
Rabbi Dr. Bruce E. Kahn	Executive Director	Chevy Chase, MD