



ARE YOU LISTENING NOW?

A National Investigation Uncovers Housing
Discrimination against the Deaf and Hard of Hearing

JANUARY 9, 2013

NFHA
National Fair Housing Alliance

ABOUT

THE NATIONAL FAIR HOUSING ALLIANCE

Founded in 1988 and headquartered in Washington, DC, the National Fair Housing Alliance is a consortium of more than 220 private, non-profit fair housing organizations, state and local civil rights agencies, and individuals from throughout the United States. Through comprehensive education, advocacy and enforcement programs, NFHA protects and promotes equal access to apartments, houses, mortgage loans and insurance policies for all residents of the nation.

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EXECUTIVE SUMMARY

Deaf and hard of hearing individuals face a variety of obstacles when interacting with the hearing world. One of those impediments is discriminatory treatment by housing providers that precludes equal access to housing opportunities. The National Fair Housing Alliance (NFHA), in cooperation with eleven of its member organizations, conducted a national investigation of rental practices of rental firms to ascertain how deaf or hard of hearing persons were treated in comparison to hearing persons in the apartment housing search.¹ We uncovered sustained patterns of housing discrimination against deaf and hard of hearing apartment seekers across the country.

NFHA and its members investigated 117 national or regional rental firms in 98 cities and 25 states. Of the 117 rental firms tested, about one out of four treated deaf callers differently from hearing callers in a manner that appeared to violate the Fair Housing Act. NFHA and its members conducted additional testing of the 25 percent of rental firms that exhibited differential treatment.

The 30 rental firms identified for further testing continued the discrimination identified during the initial investigations by engaging in multiple instances of discriminatory treatment.

The following is a breakdown of the types of differential treatment documented in this investigation:

- Housing managers hung up on deaf or

¹ For the purpose of this report, "rental firm" denotes the entity that owns and/or manages the apartment complex in question, along with its employees.

hard of hearing individuals at least once during their interaction and in certain instances, multiple times, after the deaf caller attempted to call back;

- Housing managers told hearing testers about more available units than deaf or hard of hearing testers;
- Housing managers quoted higher rental rates to deaf or hard of hearing testers, even though both callers inquired about the same size units and shared similar move-in dates;
- The large majority of follow-up contacts that housing managers made throughout these investigations was to hearing callers in the form of email or voicemail messaging, while deaf or hard of hearing callers rarely received follow-up;
- Housing managers emphasized financial qualifications and background checks to deaf or hard of hearing callers, such as requiring good credit, sufficient employment history and no criminal record, whereas these requirements were seldom mentioned to hearing callers;
- Housing managers failed to notify deaf or hard of hearing callers of current leasing specials, while this information was freely provided to hearing individuals;
- Housing managers quoted higher application fees to deaf or hard of hearing callers;
- Housing managers gave more information about apartments and amenities to the hearing callers than

to deaf or hard of hearing callers. This includes, but is not limited to, mentioning multiple complex amenities; providing leasing office hours; highlighting apartment features such as high ceilings and brand-new appliances; and providing information about apartment square footage.²

The 30 rental firms identified for further testing own an estimated 545,310 apartment units in approximately 2,079 apartment complexes throughout the United States.³ The sheer magnitude of this aggregate housing portfolio underscores the impact these corporations have in the rental market and consequently, the injury they can inflict on people with disabilities seeking housing.

This report contains a set of recommendations to combat discrimination against deaf and hard of hearing individuals. These include recommendations for policymakers and rental firms to ensure greater awareness of how discrimination against deaf or hard of hearing individuals is manifested and to provide professional standards for rental firms to ensure communication access and services.

“MA’AM I HAVE TWO RESIDENTS IN FRONT OF ME. I AM NOT ACCEPTING THIS CALL.”

**– Housing Manager
in Houston, TX**

2 For the purposes of this report, “housing manager” denotes the person who interacted with the tester over the phone and through follow-up contact.

3 These figures were derived from public information available about the 30 regional or national rental firms that were subject to these investigations.

DISABILITY DISCRIMINATION — A NATIONAL CONCERN

Disability discrimination is the most common type of fair housing violation reported to government agencies and private, non-profit fair housing organizations. The majority of these complaints involve barriers to mobility, such as multi-family apartments' not being wheelchair accessible and apartment managers' refusing to make reasonable accommodations to persons with physical or mental disabilities, as defined by the law.⁴ The percentage of disability-related complaints has consistently risen since the passage of the Fair Housing Amendments Act in 1988, and particularly in the past five years. However, there has been little investigation of discrimination against deaf and hard of hearing individuals in the rental, sales, lending or insurance markets.

In fiscal year 2008, the United States Department of Housing and Urban Development (HUD) reported 2,123 housing discrimination complaints filed with the agency, 1,037 of which were based on all types of disability or 49 percent of the total. The percentage of total complaints filed on the basis of disability climbed from 50 percent in 2009 to 53 percent in 2010, and then to 55 percent in 2011.⁵ According to the National Fair Housing Alliance 2013 Trends Report, 55.6 percent of all claims reported to HUD in 2012 were disability-related, and 47.1 percent of all complaints received by private non-profit fair housing organizations involved discrimination against

4 "A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have equal opportunity to use and enjoy a dwelling, including public and common use spaces." (U.S. Department of Housing and Urban Development, U.S. Department of Justice. Reasonable Accommodations Under the Fair Housing Act. 2004. PDF file.) The cost for a reasonable accommodation is borne by the housing provider.

5 Commonwealth of Massachusetts Department of Housing & Community Development. Moving to Work Program: Annual Report for Fiscal Year 2011.

persons with disabilities.⁶

Disability discrimination is manifested in several different ways. It can occur when a housing manager denies a request for a reasonable accommodation, such as the refusal to allow a service animal in a complex with a "No Pets" policy, or when a housing manager refuses to approve a reasonable modification for the construction of a ramp for a wheelchair user to access his unit.⁷ Other forms of illegal discrimination involve differences in treatment or housing terms and conditions on the basis of disability, such as requiring a higher security deposit under the pretext that the wheelchair will damage the apartment's carpeting or walls. At times, disability discrimination can be subtle and come about in the simple refusal to communicate with an individual.

Discrimination against a person because that person is deaf or hard of hearing in the housing market is illegal conduct under the federal Fair Housing Act and can result in a disability-related complaint. This report provides greater insight into the discrimination deaf and hard of hearing individuals face every day in the rental market.

In early 2013, NFHA entered into cooperative partnerships with eleven of its member organizations to determine whether rental firms provide substantially the same information about rental apartments to deaf

6 NFHA. Modernizing the Fair Housing Act For the 21st Century. 2013 Trends Report.

7 "A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises." (U.S. Department of Housing and Urban Development, U.S. Department of Justice. Reasonable Modifications Under the Fair Housing Act. 2008. PDF file.) The cost for a reasonable modification is born by the resident.

or hard of hearing persons as they do to hearing persons. These investigations were completed in cooperation with the following independent, non-profit fair housing organizations:

- Austin Tenants Council in Austin, Texas;
- Connecticut Fair Housing Center in Hartford, Connecticut;
- Denver Metro Fair Housing Center in Denver, Colorado;
- Fair Housing Center of Central Indiana in Indianapolis, Indiana;
- Fair Housing Continuum in Melbourne, Florida;
- Fair Housing of Marin in San Rafael, California;
- Fair Housing Partnership of Greater Pittsburgh in Pittsburgh, Pennsylvania;
- Fair Housing Resource Center in Painesville, Ohio;
- Greater Houston Fair Housing Center in Houston, Texas;
- Greater New Orleans Fair Housing Action Center in New Orleans, Louisiana; and
- Miami Valley Fair Housing Center in Dayton, Ohio.

“IS THIS RELEVANT TO APARTMENT RENTAL? (OPERATOR EXPLAINS IP RELAY) (CALL ENDED)”

— Housing Manager in Atlanta, Georgia

TESTING APPROACH AND METHODOLOGY

Fair housing testing is a controlled method of documenting the quality and quantity of information provided to home seekers by rental firms and their housing managers. Testing is a widely accepted methodology that has been utilized for decades for enforcement, research and compliance monitoring.⁸ It is utilized by private, non-profit fair housing organizations, state and local governments, HUD and the U.S. Department of Justice. It is also used by the housing industry for monitoring and self-compliance purposes. For the purpose of this investigation, testing documented the differences in treatment between a deaf or hard of hearing person and a hearing person inquiring about rental housing.

In this investigation, NFHA and its member organizations tested regional and national rental firms.⁹ Each organization conducted “matched-pair testing” by pairing one hearing tester and one deaf or hard of hearing tester, who were equally qualified financially to rent the apartment, who were seeking the same size apartment, and who had similar move-in dates. The testers documented their interactions with the housing managers and the treatment they experienced. Testers placed calls to the same rental firm, close in time, to inquire about the availability of apartments with the same number of bedrooms. Each tester’s call to a single housing manager signified a “test part.” The testing was conducted via telephone. The hearing testers spoke

directly into the telephone; the deaf tester spoke through an interpreter using IP Relay.

This project utilized IP Relay as the communication platform for deaf or hard of hearing testers, which is one of several technologies used by deaf or hard of hearing persons. IP Relay allows a deaf person to converse over the telephone with a hearing person through an IP operator, who is acting as an interpreter. The deaf caller, through the use of a computer, instructs the operator to dial a specific phone number. Once the housing manager answers the phone, the operator immediately explains that s/he is calling on behalf of a person who is deaf or hard of hearing. The operator then asks if the hearing person is familiar with IP Relay and an explanation is provided, if necessary. For the purpose of this investigation, deaf testers began by explicitly stating that they were deaf and were interested in a particular-sized unit, to eliminate any doubt as to why the deaf person was calling via the IP Relay system.

8 The use of fair housing testing evidence has uniformly been accepted by the courts, including the Supreme Court. See e.g. *Havens Realty Corp v. Coleman*, 455 U.S. 363, 373-374 (1982).

9 The rental firms that were the subject of this investigation each had large inventories of apartment complexes. This investigative focus was employed in order to assess the rental practices of rental firms impacting a large segment of the housing market in the United States.

“YOU KNOW WHAT? I DON’T THINK WE’LL BE INTERESTED.”

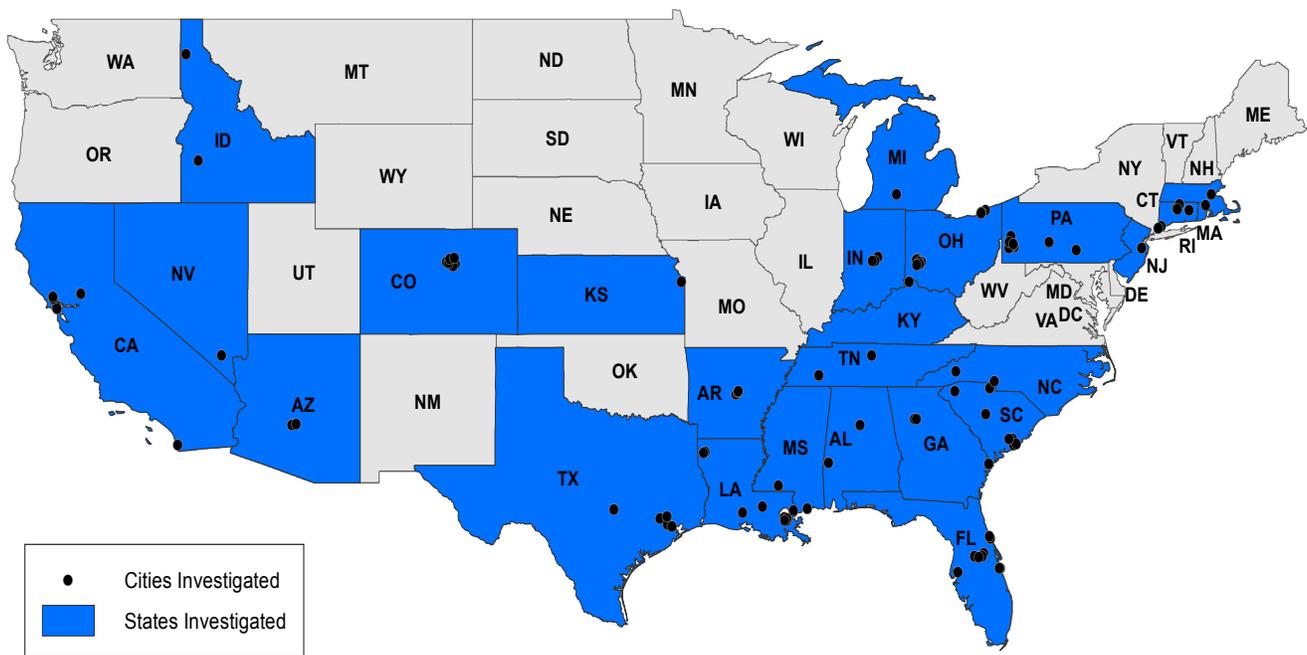
– A Housing Manager in Richmond, CA

INITIAL INVESTIGATION

NFHA and its members conducted 303 matched-pair tests during an initial investigation, using both deaf and hearing testers, over the course of 10 days. These tests documented the practices of 117 rental firms in 98 cities in 25 states.

Analysis of the findings from the initial investigation revealed that **about one in four rental firms exhibited some form of differential treatment** against deaf or hard of hearing callers.

Cities and States Tested During Initial Investigation



ALABAMA

Birmingham

ARKANSAS

Little Rock
North Little Rock
Sherwood

ARIZONA

Phoenix
Scottsdale

CALIFORNIA

Novato
Rohnert Park
Sacramento
San Diego
San Rafael
Santa Rosa

COLORADO

Aurora
Denver
Golden

CONNECTICUT

Bloomfield
Enfield
Hartford
Norwalk
Stamford
Windham

FLORIDA

Casselberry
Clermont
Daytona Beach
Indialantic
Melbourne
Orlando
Ormond Beach
Tampa
Windermere

GEORGIA

Atlanta
Decatur
Savannah

IDAHO

Boise
Coeur d'Alene

INDIANA

Fishers
Indianapolis
Speedway

KANSAS

Shawnee

KENTUCKY

Florence

LOUISIANA

Baton Rouge
Bossier City
Gretna
Lafayette
Metairie
New Orleans

Shreveport
Slidell
Westwego

MASSACHUSETTS

Chestnut Hill

MICHIGAN

Battle Creek
Chesterfield

MISSISSIPPI

Long Beach
McComb

NORTH CAROLINA

Asheville
Charlotte

NEW JERSEY

Freehold

NEVADA

Las Vegas

OHIO

Beavercreek
Carrolton
Clayton
Dayton
Fairborn
Kettering
Miamisburg
Painesville
Trotwood
Willoughby
Willoughby Hills

PENNSYLVANIA

Altoona
Bethel Park
Bridgeville
Butler
Canonsburg
Carlisle
Coraopolis
Cranberry Township
Jefferson Hills
Pittsburgh

RHODE ISLAND

Cumberland

SOUTH CAROLINA

Charleston
Easley
Goose Creek
Lexington
Mount Pleasant
Rock Hill
Summerville

TENNESSEE

Hendersonville
Lebanon

TEXAS

Austin
Cypress
Houston
Pasadena
Spring

NFHA and its members uncovered various types of differential treatment during the initial investigation, including:

- Housing managers provided deaf testers higher rental rates;
- Housing managers provided hearing testers with more information about complex amenities;
- Housing managers failed to follow up with deaf testers, but contacted hearing testers;
- Some deaf testers were hung up on, even as TTY operators and IP Relay

operators attempted to explain the purpose of the call.

Deaf testers were instructed to call the rental firm back should they experience a hang-up. In those instances, some deaf testers experienced multiple hang-ups. At times, housing managers expressed disinterest in accepting such calls and then simply hung up.

Housing managers also frequently volunteered

"I DON'T HAVE TIME."

– A Housing Manager in Houston, Texas

information about multiple apartments being available to hearing testers, while giving deaf testers minimal information about apartment availability. When both testers inquired about application requirements, hearing testers were often told about amenities, number of open units and rental rates, while deaf testers were more likely to be warned that there would be credit checks, criminal background checks and employment verification. Differential treatment between deaf and hearing testers was also evident following the initial telephone call, where hearing testers were more likely to receive follow-up emails or phone calls from a rental firm.

Of the remaining three-fourths of rental firms tested during the initial investigation, some testing was inconclusive, meaning there was insufficient evidence to conclude that differential treatment had occurred between deaf or hard of hearing individuals and hearing individuals. Other testing, commendably, showed no evidence of differential treatment.

(HOLDING)
(still holding)
(still holding)

IP Operator to deaf tester:
hold time has run for more
than ten minutes, remain on
hold [?])

Deaf tester: Yes please.

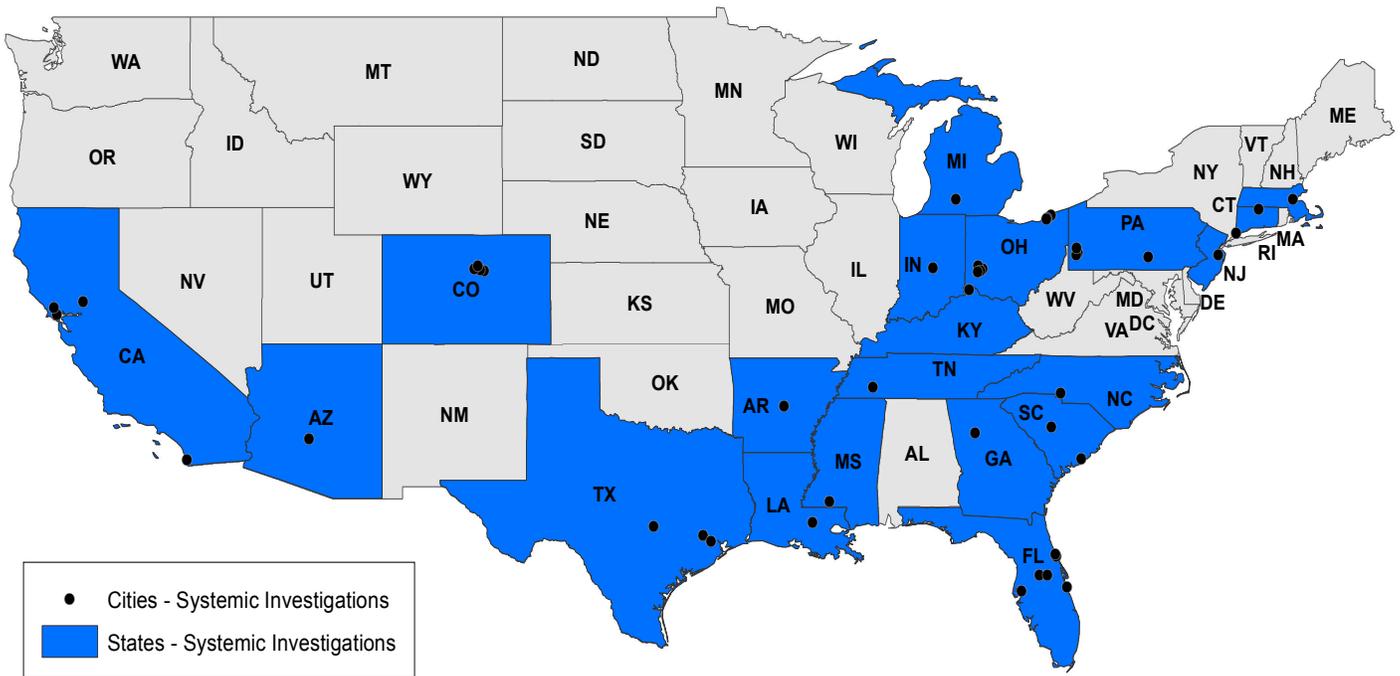
– Housing Manager in
North Charleston, SC

EXPANDING THE INQUIRIES: SYSTEMIC INVESTIGATIONS

In the summer and fall of 2013, NFHA and members completed systemic investigations of 30 national or regional rental firms in 57 cities in 20 states. Systemic investigations, for the purpose of this report, consist

of multiple tests of the same rental firm in multiple cities and/or states over an extended period of time. In total, 104 matched-pair tests were conducted during the systemic investigations phase.

Cities and States Tested During Systemic Investigations



ARKANSAS

Little Rock
North Little Rock

ARIZONA

Phoenix

CALIFORNIA

Novato
Richmond
Rohnert Park
Sacramento
San Diego

COLORADO

Aurora
Denver
Golden
Thorton
Westminster

CONNECTICUT

Bloomfield
Enfield
Stamford

FLORIDA

Clermont
Daytona Beach
Indialantic Melbourne
Orlando
Ormond Beach
Tampa

GEORGIA

Atlanta

INDIANA

Fishers
Indianapolis

KENTUCKY

Florence

LOUISIANA

Baton Rouge
Lake Charles

MASSACHUSETTS

Chestnut Hill

MICHIGAN

Battle Creek

MISSISSIPPI

Long Beach

McComb

NORTH CAROLINA

Charlotte

NEW JERSEY

Freehold

OHIO

Beavercreek

Bellbrook

Clayton

Kettering

Miamisburg

Painesville

West Carrollton

Willoughby

Willoughby Hills

MASSACHUSETTS

Chestnut Hill

MICHIGAN

Battle Creek

MISSISSIPPI

Long Beach

McComb

NORTH CAROLINA

Charlotte

NEW JERSEY

Freehold

OHIO

Beavercreek

Bellbrook

Clayton

Kettering

Miamisburg

Painesville

West Carrollton

Willoughby

Willoughby Hills

PENNSYLVANIA

Bridgeville

Butler

Carlisle

Canonsburg

Coraopolis

Wexford

SOUTH CAROLINA

Charleston

North Charleston

Lexington

TENNESSEE

Hendersonville

TEXAS

Austin

Cypress

Houston

The systemic investigations revealed that the instances of differential treatment identified in the initial investigation were part of a more pervasive pattern of discriminatory behavior. An overview of these discriminatory practices is listed below, followed by descriptions of each form of differential treatment and specific examples of discrimination found in the course of testing.

The systemic investigations revealed that:

- 40 percent of rental firms hung up on deaf or hard of hearing individuals at least once during their interaction and, in certain instances, multiple times, after the deaf caller attempted to call back;
- 86 percent of the rental firms gave more information about available apartments and amenities to the hearing callers than to deaf or hard of hearing callers. This includes, but is not limited to, mentioning multiple complex

amenities; providing leasing office hours; highlighting apartment features such as high ceilings and brand-new appliances; and providing information about apartment square footage;

- 76 percent of rental firms told hearing testers about more available units than their deaf or hard of hearing counterparts;
- 70 percent of rental firms quoted higher rental rates to deaf or hard of hearing testers, even though both callers inquired about the same sized units and shared similar move-in dates;
- 64 percent of all follow-up contacts that rental firms made throughout this investigation was to hearing callers. Follow-up was received via email and/or voicemail messaging;
- 56 percent of rental firms emphasized financial qualifications and background

checks to deaf or hard of hearing callers, such as requiring good credit, sufficient employment history and no criminal record, whereas not all such requirements were emphasized to hearing callers;

- 36 percent of rental firms failed to notify deaf or hard of hearing callers of current leasing specials, while this information was freely shared with the hearing individuals;
- 33 percent of rental firms quoted higher application fees to deaf or hard of hearing callers while quoting lower fees to the hearing callers.

It is important to note that the rental firms involved in the systemic testing own an estimated 545,310 apartment units in approximately 2,079 apartment complexes throughout the United States. The sheer magnitude of this aggregate housing portfolio underscores the impact these corporations have in the rental market and, consequently, the injury they can inflict on people with disabilities seeking housing.

Housing managers hung up on deaf testers

Forty percent of rental firms hung up on deaf callers at least once. Hang-ups often occurred during or immediately after the IP operator's explanation that the purpose of the call was to inquire about available housing units and that a deaf or hard of hearing caller was on the line. At times, hang-ups were coupled with statements expressing annoyance or disinterest toward the call.

In **Houston, Texas**, a housing manager hung up on a deaf caller while the IP Relay

operator was explaining the purpose of the call. The deaf caller immediately called back and the apartment manager said, "[Ma'am] I have a two residents in front of me [.] I am not accepting this call."¹⁰ The hearing tester called 10 minutes later and obtained detailed leasing information. The deaf caller, who called back immediately after the hearing tester concluded her follow-up call, was greeted with "I dont have time [sic]" coupled with a hang-up.

In **Charleston, South Carolina**, on a Saturday, a deaf caller was placed on hold for over 10 minutes and was ultimately forced to end the call, as no one came back on the line to assist her. When she called back, the housing manager stated that she was assisting two other persons and asked if the caller could call the following Monday. She placed the deaf caller on hold again shortly thereafter. In contrast, the housing manager had spoken with the hearing caller approximately 25 minutes earlier, provided detailed information about unit availability, provided general instructions on where the complex was located, and asked if the hearing caller wanted to stop by and view a unit.

"...THIS WOULD BE EASIER FOR ME - CAN YOU COMMUNICATE VIA EMAIL FOR A RESPONSE TO THESE QUESTIONS?"

- A Housing Manager in Denver, Colorado

More information about apartments and apartment complex given to hearing callers

The discrimination most often documented

¹⁰ The original quotation as transcribed by the operator was, "ma am I have two residents in front of me I am not accepting this call."

in the systemic investigations was disparity in the quality and quantity of information rental firms gave to deaf versus hearing individuals. Eighty-six percent of rental firms gave more information to hearing persons about available apartments and the apartment complex than to deaf callers.

In **Bloomfield, Connecticut**, a housing manager informed a hearing caller that she would have use of the pool, putting green, video rentals, dry cleaning, fitness room, clubhouse and coffee bars. In contrast, the deaf caller was never specifically told about any of the complex's amenities and, in fact, was told on two different occasions to simply visit the website for the additional information that that deaf caller had requested.

In **Denver, Colorado**, a housing manager described her apartment complex to the hearing caller as being located in a community with convenient neighborhood shops and a quiet atmosphere. In contrast, when the deaf caller specifically inquired about the community, the deaf caller was told that it would be easier if the housing manager could provide the response to those questions via email, but then never emailed the deaf caller, even though an email address was provided and the deaf caller requested an email follow-up.

In **Long Beach, Mississippi**, the hearing caller received information about apartment availability, detailed instructions about how to apply for a unit, information about the amenities provided by the complex, and information about a rate special that the complex was currently offering. The hearing caller also received a follow-up email with pictures of the complex and model unit, as well as an application. In contrast, the housing manager provided curt, one-word

replies to the deaf caller's questions and did not volunteer any information. When asked for information about the apartment, the housing manager only replied that there was a model unit available and that the deaf caller could come view it. This was in stark contrast to the conversation she had with the hearing caller, where she described the number of bedrooms and the utilities paid for by the complex and explained that the unit came with a washer and dryer. The deaf caller was never told about complex amenities or the rate special, and never received any follow-up, unlike the hearing caller.

Hearing callers told about more available units

Seventy-six percent of rental firms told hearing callers there were more apartments available than they told deaf or hard of hearing callers.

In **Tampa, Florida**, a hearing caller was told about three different available apartments in her desired time frame. By contrast, her deaf counterpart who called on the same day was told that only one apartment would be available.

In **Austin, Texas**, a housing manager told a deaf caller that she had one available unit, provided a rent range rather than the specific cost of rent for the apartment, and never told the deaf caller about a pre-lease option. Forty-five minutes later, the housing manager told a hearing caller that she had four to five one-bedroom apartments available and provided square footage and the specific rent amount for each one. Additionally, she told the hearing caller that she could pre-lease and hold an apartment until her desired move-in date.

Follow-up contact primarily directed to hearing callers

Hearing callers were far more likely to receive follow-up contacts by housing managers after an initial phone call. Sixty-four percent of all follow-up contacts, in the form of phone messages and email messages from rental firms, was made to hearing callers.

A rental firm that was investigated in both **Charleston, South Carolina**, and **Atlanta, Georgia**, sent follow-up contacts to every hearing tester who inquired about housing, while only following up with one of the deaf testers. In total, hearing testers received sixteen voicemail or email messages. One hearing tester in particular received seven follow-up messages. In contrast, only one deaf tester was contacted after the initial call, and she received two messages.

Financial qualifications and background checks emphasized to deaf or hard of hearing callers

Fifty-six percent of rental firms emphasized financial qualifications and background checks to deaf or hard of hearing callers, such as requiring good credit, sufficient employment history and no criminal record, whereas only some requirements were emphasized to hearing callers.

In **Austin, Texas**, a deaf caller was told that the apartment complex required renters to have income that is three times the amount of the rent and applicants could not have any misdemeanors within the past five years, felonies for the past ten years, or any previous housing debt. The hearing caller was simply told that she had to make three times the rent in income, without mention of

the criminal history requirement cited to the deaf caller.

In **Indianapolis, Indiana**, a housing manager told the deaf caller that she would have to show proof that her income equaled three times the amount of rent, that she could not have any evictions, bankruptcies or felonies in her past, and that she would have to consent to a credit check. In contrast, approximately 30 minutes later, the housing manager told the hearing caller only that the application requirements consisted of a credit check and proof that the renter made three times the amount of rent in income. No mention was made to the hearing caller of the eviction, bankruptcy or felony requirement.

Failure to notify deaf or hard of hearing callers of current leasing specials

Thirty-six percent of rental firms failed to notify deaf or hard of hearing callers of current leasing specials, such as special discount offers, while such information was freely told to hearing individuals.

In **Lexington, South Carolina**, a housing manager informed hearing callers that the complex's administration fee would be waived if the callers worked for an employer that was part of their preferred employer program. Deaf callers were never told about this inducement. Similarly, the housing manager notified a hearing individual that on move-in day, all she would have to pay was a deposit and an application fee that was discounted from \$175 to \$50. The deaf caller, in contrast, was told that she would have to pay a \$50 application fee and a \$150 administrative fee, in addition to a security deposit.

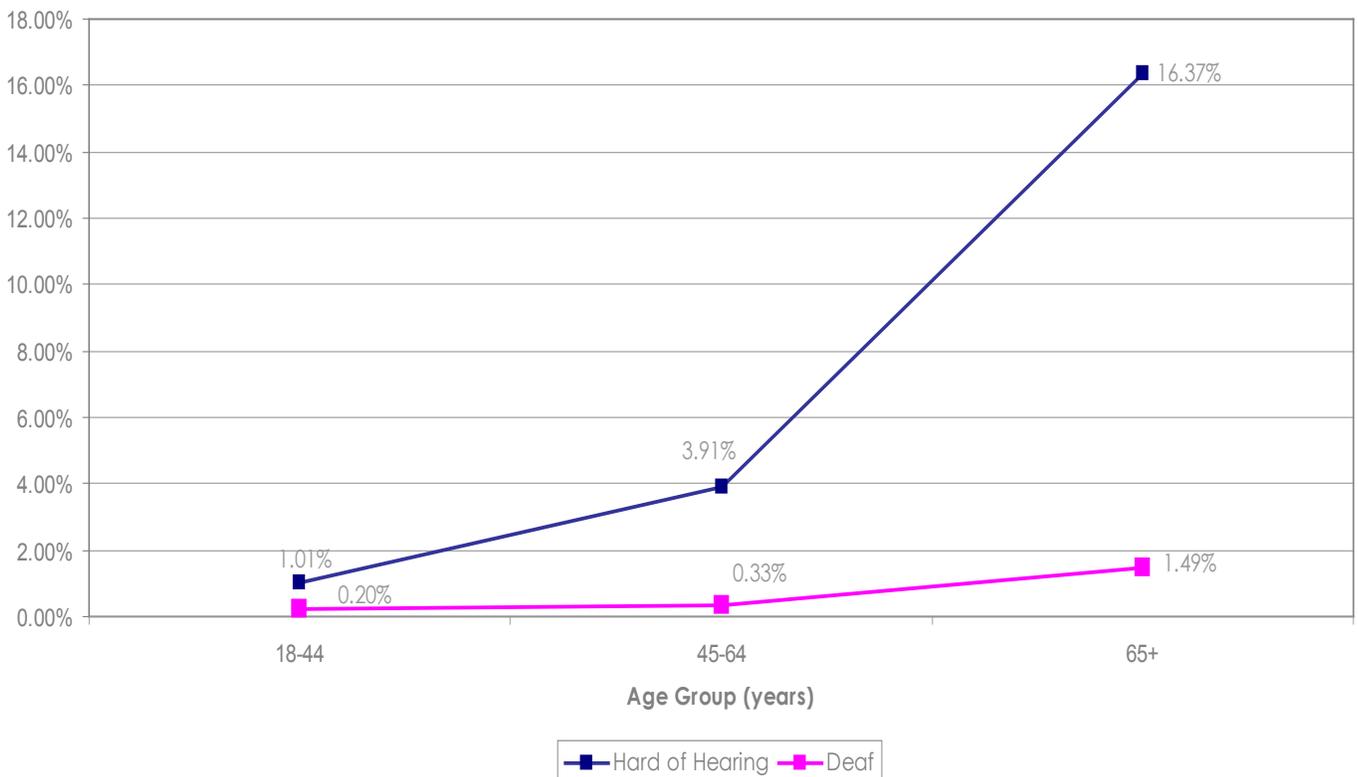
BACKGROUND ON THE DEAF AND HARD OF HEARING COMMUNITY

It is estimated that three out of every 1,000 adults in the United States are deaf. Most adults become deaf or hard of hearing later in life. The line graph below portrays the percentage of deaf and hard of hearing adults in America.¹¹

The deaf and hard of hearing population is extremely diverse because of variations in the cause and degree of hearing loss, age of onset, educational background, and communication methods. A large number of people identify themselves as “late-deafened,” indicating they experienced hearing loss later in life. Alternatively, there are those who were born or became deaf or hard of hearing at an early age who do

¹¹ Reference: <http://research.gallaudet.edu/Demographics/deaf-US.php>

not think of themselves as having lost their hearing. Deaf people who have a severe-to-profound hearing loss are more likely to share a language—American Sign Language (ASL)—and identify with the Deaf culture. They use ASL as a primary means of communication and strongly believe in the importance of the Deaf community. Hard of hearing people, who have mild to moderate hearing loss, may or may not have a cultural affiliation with the Deaf community. Some hard of hearing persons may function culturally as hearing people in society, or may function as a member of both hearing and deaf communities.



HOW THE DEAF AND HARD OF HEARING COMMUNICATE WITH THE HEARING

Although there may be some communication barriers for deaf and hard of hearing people, there are many technologies available to facilitate communication with hearing persons, making the process relatively effortless.

Some deaf and hard of hearing callers use Video Relay Service (VRS) technology to make telephone calls through the use of interpreting services. With VRS, deaf and hard of hearing individuals can call a person who uses the conventional telephone and vice versa. Using this technology, which consists of either a special VideoPhone product that has a screen or a VideoPhone software program run on a computer with a webcam, the deaf individual can see the interpreter who facilitates telephone communications by signing what is said to them by the hearing individual participating on the call. Some hard of hearing callers use telephones with amplifiers or captioned telephone. Captioned telephones make it possible for a hard of hearing caller to listen to the hearing caller and read typed captions in the display window of the captioned telephone.

Other deaf people, especially those who are

“[I] HAVE 2 PROSPECTS IN FRONT OF ME I AM UNABLE TO TAKE THE CALL. CAN YOU CALL BACK MONDAY?”

– Housing Manager in North Charleston, SC

low-income and lack access to VideoPhone technologies, make phone calls through TTY relay services. A TTY is a special device that allows deaf people to type messages back and forth to one another instead of talking and listening. By using TTY relay services, or IP relay services (if a computer is used to send and receive messages), a deaf person is able to communicate with a hearing person over the phone through an operator who is trained to read what is typed, speak it out loud to the hearing person and type to the deaf person what the hearing person speaks into the telephone.

In addition to these forms of telecommunications technologies, deaf and hard of hearing people have varying means of in-person communication such as lip-reading, which is dependent on a great deal of guesswork due to many sounds looking alike on the lips, and the exchange of written notes. Due to deficient educational programming in many areas of the country, some deaf and hard of hearing individuals are not fluent in English but utilize ASL as their primary language. Nevertheless, deaf or hard of hearing applicants make the same inquiries as many hearing persons and have the same rights in seeking housing free from discrimination as anyone else in the housing market. Unfortunately, some rental firms, as demonstrated in this investigation, have exhibited an illegal intolerance in accommodating deaf and hard of hearing applicants.

RECOMMENDATIONS TO COMBAT DISCRIMINATION AGAINST THE DEAF AND HARD OF HEARING

In order to overcome discrimination in the rental market for the deaf and hard of hearing community, NFHA proposes recommendations for HUD and other policymakers, and for rental firms.

Recommendations for HUD and Other Policymakers

- HUD should, through a media campaign, raise awareness of the challenges encountered by deaf and hard of hearing individuals when searching for a home or apartment and should reaffirm the rights of the deaf and hard of hearing under federal, state, and local fair housing laws by issuing a guidance memo on the topic. This guidance should clarify the right of deaf and hard of hearing individuals to seek housing of their choice, whether the housing has a majority that communicate in sign language or has no other resident who communicates in sign language.
- HUD must work to ensure that sufficient accessible housing exists to serve the deaf and hard of hearing. HUD must also fund sufficient housing vouchers for deaf or hard of hearing individuals to secure housing in the areas of their choice.
- HUD and federal, state and local policymakers should determine the optimal means of providing no-cost adaptive visual alert devices that enable deaf or hard of hearing individuals to fully use and enjoy any housing unit of their choice including, but not limited to, alerts for fire and carbon monoxide alarms, doorbells/intercoms,

door knockers, and security and other emergency alarms.

- HUD should require cities, counties, and states receiving federal funding to seek out, nominate, and/or appoint deaf or hard of hearing individuals to serve on various community task forces, committees, and boards to ensure better representation at all levels of community and government so that the needs of deaf or hard of hearing individuals, particularly related to housing, are better articulated, understood, and included in planning and decision making.
- HUD and other policymakers should work with appropriate advocacy organizations serving deaf and hard of hearing people to establish standards for the housing industry regarding communication access and services, including appropriate alert devices, to be provided by rental firms.

Recommendations for Rental Firms

- It is essential that all rental firms communicate the same information to all people regardless of their preference of language communication usage, or for that matter, their race, color, national origin, religion, sex, any other disability, or familial status.
- Rental firms should ensure that all employees are aware of their obligations to communicate and negotiate with deaf or hard of hearing individuals and should provide reasonable accommodations or permit reasonable modifications when needed.

- Rental firms must welcome deaf or hard of hearing housing choice voucher holders into their properties, so as to enlarge the housing choice available to deaf or hard of hearing individuals, allowing them to be integrated in housing communities of their choice.
- Rental firms should make communication access and service available and appropriate for housing applicants and residents who are deaf and hard of hearing. Appropriate communication access and services include, but are not limited to, the following: qualified sign language interpreters; oral interpreters; and certified deaf interpreters. Such interpreters should be provided in person for any physical visit. Interpreters are available, at no cost, through video relay services for telephone calls. Rental firms must be prepared to communicate with deaf and hard of hearing individuals who are not fluent in the English language.

FAIR HOUSING CENTERS INVOLVED IN INVESTIGATION

NFHA worked with 11 full-service, private, non-profit fair housing organizations that are members of NFHA.

National Fair Housing Alliance

Founded in 1988, the National Fair Housing Alliance is a consortium of more than 220 private, non-profit fair housing organizations, state and local civil rights agencies, and individuals from throughout the United States. Headquartered in Washington, D.C., the National Fair Housing Alliance, through comprehensive education, advocacy and enforcement programs, provides equal access to apartments, houses, mortgage loans and insurance policies for all residents in the nation.

Austin Tenants' Council

The Austin Tenants' Council protects tenants' rights and educates the community on fair housing. Our vision is to make Texas communities open to all without discrimination and free of landlord-tenant disputes.

Connecticut Fair Housing Center

The Connecticut Fair Housing Center provides investigative and legal services to residents who believe they have been the victims of housing discrimination. The Center also provides education and conducts outreach on fair housing and fair lending issues throughout Connecticut.

Denver Metro Fair Housing Center

The Denver Metro Fair Housing Center

(DMFHC) is a private non-profit fair housing enforcement agency serving 6 Denver Metro Counties: Adams, Arapahoe, Broomfield, Denver, Douglas, and Jefferson. DMFHC is dedicated to eliminating housing discrimination and promoting housing choice through education, advocacy, and enforcement of fair housing laws. DMFHC accepts complaints from individuals and families who believe they have been discriminated against in their pursuit of housing. DMFHC investigates the complaints and assists clients in finding the best remedies to their fair housing issues.

Fair Housing Center of Central Indiana

The Fair Housing Center of Central Indiana (FHCCI) is a private, non-profit fair housing organization incorporated in August, 2011. The FHCCI's mission is to ensure equal housing opportunities by eliminating housing discrimination through advocacy, enforcement, education and outreach.

Fair Housing Continuum

The Fair Housing Continuum, Inc. is a private non-profit fair housing agency dedicated entirely to the elimination of housing discrimination in Florida, serving Brevard, Indian River, Seminole, Osceola, Orange and Volusia Counties.

Fair Housing of Marin

Fair Housing of Marin's mission is to ensure equal housing opportunity and to educate the community on the value of diversity in our neighborhoods. The agency is

designed to maximize housing opportunities for all families and individuals, regardless of disability, race, national origin, religion, sex, familial status, sexual orientation, marital status, source of income, or any other arbitrary characteristic. For 30 years, FHOM has provided comprehensive fair housing and fair lending services in Marin County and surrounding counties to over 30,000 individuals, including counseling, community outreach & education, representation in administrative complaints, testing and other forms of investigation, mediation, administrative and judicial referral, filing agency complaints, lawsuits, systemic audits, and housing industry training.

Fair Housing Partnership of Greater Pittsburgh

The Fair Housing Partnership of Greater Pittsburgh is a nonprofit organization dedicated to creating equal housing choice in southwestern Pennsylvania through fair housing advocacy and enforcement.

Fair Housing Resource Center

The Fair Housing Resource Center (FHRC), Inc. is a non-profit 501(c)(3) organization that offers several housing programs that benefit residents of Lake County, Ohio. Their mission is to promote equal housing opportunities for all persons and to advocate for fair housing and diversity in Lake County and surrounding communities through the education and involvement of the public, the governments, and the business community.

Greater Houston Fair Housing Center

The Greater Houston Fair Housing Center

is a professional, non-profit, civil rights organization dedicated to the elimination of housing discrimination and the expansion of housing opportunities for all persons. The Greater Houston Fair Housing Center accomplishes its goals through the advocacy of equal housing opportunities, assisting victims of housing discrimination and enforcing compliance with fair housing laws.

Greater New Orleans Fair Housing Action Center

The Greater New Orleans Fair Housing Action Center (GNOFHAC) is a private, non-profit civil rights organization dedicated to eradicating housing discrimination throughout the greater New Orleans area through education, investigation and enforcement activities. GNOFHAC promotes fair competition throughout the housing marketplace—rental, sales, lending and insurance.

The Miami Valley Fair Housing Center

The Miami Valley Fair Housing Center (MVFHC) is a comprehensive full-service fair housing center in Dayton, Ohio, with experience in auditing and testing activities, anti-predatory lending investigation and remedy, mortgage rescue scam intervention, foreclosure prevention counseling, mortgage modifications as well as fair housing and fair lending education and outreach. MVFHC works throughout the Miami Valley to eliminate housing discrimination and ensure equal housing opportunity for all people in its region.

THE FAIR HOUSING ACT PROHIBITS DISCRIMINATION AGAINST THOSE WHO ARE DEAF OR HARD OF HEARING

The federal Fair Housing Act prohibits discrimination in housing on the basis of disability. Landlords and other housing providers may not discriminate against persons who are deaf or who have other hearing or speech disabilities. They may not refuse to communicate with you because you contact them through TTY, video relay, or other relay systems. Landlords must make reasonable accommodations or allow reasonable modifications for persons with disabilities, such as allowing a hearing dog in a no-pets building or approving the installation of strobes in an apartment.

For more information or to file a housing discrimination complaint, contact HUD at **1-800-669-9777**; **1-800-927-9275** (TTY) or visit www.hud.gov/fairhousing and www.nationalfairhousing.org



NFHA
National Fair Housing Alliance

Fair Housing Is Your Right. Use It.

A public service message from the National Fair Housing Alliance. The federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, familial status or disability.



NFHA

National Fair Housing Alliance

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NATIONAL FAIR HOUSING ALLIANCE

1101 VERMONT AVENUE, NW

SUITE 710

WASHINGTON, DC 20005

(202) 898-1661

www.nationalfairhousing.org

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