

*National Fair Housing Alliance v. Evolve DC*  
DC Office of Human Rights, Complaint Narrative

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The National Fair Housing Alliance (NFHA) is a private 501(c)(3) fair housing organization whose mission is to eliminate housing discrimination and ensure equal housing opportunity for all people. Included among NFHA's several programs are a national media campaign that educates the public about fair housing rights and responsibilities and an inclusive communities program that invests resources into communities to increase access to housing. NFHA also provides funds to programs that assist DC residents to pay the cost of rental security deposits through its inclusive communities program. The majority of those served in these grant initiatives are recipients of Housing Choice Vouchers (HCVs, also known as "Section 8"), and the DC Housing Authority often refers HCV holders to the grant program funded by NFHA.

In April 2017, NFHA uncovered an online advertisement for rental housing in Washington, DC, published by Evolve DC ("Evolve"), a local multi-family housing provider that stated "No Section 8." Subsequently, NFHA initiated an investigation that uncovered additional evidence that Evolve refused to rent apartments to persons who use HCVs in Washington, DC, which constitutes housing discrimination in violation of the DC Human Rights Act of 1977 and the federal Fair Housing Act. Evolve's refusal to rent apartments to persons who use HCVs in Washington, DC, constitutes discrimination based on lawful source of income, race, color, national origin, familial status, and sex, and it also perpetuates segregation. The most recent incident of discrimination occurred on February 7, 2018.

During its investigation, NFHA documented a pattern of discriminatory statements made verbally and in writing by Evolve that indicated its one- and two-bedroom apartments located in the Capitol Hill area were not available to persons with "Section 8," despite the advertised rent for the apartments being substantially less than HCV allowable rent limits for that neighborhood.

NFHA's investigation also uncovered that Evolve screens out prospective tenants with HCVs through its website, [www.evolvedc.com](http://www.evolvedc.com). Evolve allows prospective tenants to schedule apartment viewings through its website. To schedule a viewing, a prospective tenant is required to complete an online form that asks five questions, one of which is, "Do you intend to use a Section 8 voucher to pay rent?" A prospective tenant must select from a drop down menu either "yes" or "no." If a prospective tenant selects "yes," the online portal prevents them from scheduling an apartment viewing, but if the prospective tenant selects "no," they are allowed to schedule an appointment.

NFHA conducted multiple fair housing tests that provide further evidence that Evolve discriminates against persons with HCVs. Repeatedly, a tester sought to schedule a viewing through Evolve's website to tour an apartment at The Barbara on Capitol Hill ("The Barbara"). When the tester indicated in the online appointment portal that she would use "Section 8," she was not allowed to schedule a viewing. Despite the apartment being priced below the tester's HCV maximum allowable rent, the tester was unable to view or rent the apartment. Within minutes, another tester sought to schedule an appointment to view the same apartment. That tester provided the same information as the previous tester, except she indicated that she would not use "Section 8," and she was allowed to schedule a viewing.

In one instance, the tester who scheduled the viewing followed through with the appointment and was shown the property by an Evolve employee. The tester with an HCV who was not able to schedule a viewing followed up with a phone call to Evolve to attempt to schedule a viewing. The tester spoke to one of the company's owners who informed her the apartment was available, but she was "kicked out" of the system because "we don't accept housing vouchers."

NFHA's mission, its efforts to educate the public about fair housing rights and responsibilities, and its grant programs to assist DC residents by providing security deposits, are frustrated by the discrimination in which Evolve is engaged. Beginning in the summer of 2017, NFHA diverted time and resources to counteract the specific discriminatory conduct in which Evolve was engaged. NFHA created new educational materials to address this discrimination and published them on its website and distributed them by hand to over 85 organizations, businesses, and public spaces across Washington, DC.

In February 2018, NFHA conducted an additional test. Despite having conducted an extensive educational campaign, the test revealed that Evolve still refuses to rent apartments to persons who use HCVs. In this test, a tester who represented she had a voucher was told by one of the company's owners that she could not view an apartment because Evolve "doesn't accept vouchers."

### **Disparate Impact Based on Race, Color, Sex, Familial Status, and National Origin**

NFHA's investigation revealed that Evolve has both a policy and a practice of discrimination based on lawful source of income. A disparate impact analysis of Evolve's policy on persons receiving and eligible to receive a HCV from The District of Columbia Housing Authority shows this policy has a disproportionate, adverse impact based on race, color, sex, familial status, and national origin, in addition to perpetuating residential segregation. A person requesting to rent an apartment with a housing choice voucher in the District of Columbia is 92 times more likely to be Black than white and 4 times more likely to be Hispanic than white. Additionally, Housing Choice Voucher households are 2 times more likely to have children than renters without vouchers, and female-headed households with children are 2.75 times more likely to be voucher holders than renters without vouchers. Finally, voucher holders are 1.46 times more likely to be female-headed households than renters without vouchers.

### **Perpetuating Segregation**

Evolve's policy and practice of denying rental applicants that use HCVs constitute unlawful discriminatory barriers that perpetuate residential segregation in Washington, DC. Only one percent of HCV households are white. The Barbara of Capitol Hill is located in a census tract that is 78.2 percent white and is insulated from more diverse areas by census tracts that are no less than 70 percent white. In contrast, the tracts to the east, north, and west of these surrounding census tracts are at least 50 percent or greater non-white. Ninety-one percent of households with HCVs in DC are concentrated in census tracts that are greater than 50 percent non-white. Furthermore, in 2017, about 67 percent of households that receive HCVs in DC are authorized to

rent one- or two-bedroom apartments.<sup>1</sup> This translates to approximately 7,707<sup>2</sup> households that could afford to rent at the Barbara but are deprived of the opportunity because of its discriminatory policies and practices. Residents of The Barbara and its neighborhood are also negatively affected such that they are less likely to enjoy the benefits of living in a diverse, integrated community. The enclosed maps display the impact such policies have on residential segregation.

### **Source of Income Discrimination**

In addition to disparate impact and perpetuation of segregation claims that violate the federal Fair Housing Act, 42 U.S.C. § 3601 et seq., Evolve's policy and practice of denying rental applicants that use HCVs is a facial violation of the District of Columbia Human Rights Act of 1977, D.C. Code Ann. § 2-1402.21, which prohibits housing discrimination based on source of income.

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<sup>1</sup> See DC Housing Authority info at the following website: <https://affordablehousingonline.com/housing-authority/District-of-Columbia/District-of-Columbia-Housing-Authority/DC001>

<sup>2</sup> 11,503 reported voucher households in DC in 2016 X 67% = 7,707.01 households.