

HOUSING DISCRIMINATION COMPLAINT

CASE NUMBER:

1. Complainants

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2. Other Aggrieved Persons:

To be determined

3. The following is alleged to have occurred or is about to occur:

Discriminating in the rental of, or otherwise made unavailable or denied, dwellings to persons because of their race, in violation of Section 804(a) of the Fair Housing Act, 42 U.S.C. § 3604(a);

Discriminating in the terms, conditions, or privileges of, or the provision of services or facilities in connection with the rental of a dwelling because of race, in violation of Section 804(b) of the Fair Housing Act, 42 U.S.C. § 3604(b);

and,

Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on race or an intention to make any such preference, limitation, or discrimination in violation of Section 804(c) of the Fair Housing Act, 42 U.S.C. § 3604(c).

4. The alleged violation occurred because of:

Race

5. Address and location of the property in question (or if no property is involved, the city and state where the discrimination occurred):

Various cities including Philadelphia, Pennsylvania; Memphis, Tennessee and other cities.

6. Respondent(s)

Tenant Turner, Inc.
4820 Lake Brook Dr Ste 125
Glen Allen, VA, 23060
c/o Brandon Anderson, Registered Agent

7. The following is a brief and concise statement of the facts regarding the alleged violation:

Introduction and Summary

Complainants National Fair Housing Alliance, Fair Housing Rights Center in Southeastern Pennsylvania and the Housing Equality Center of Pennsylvania have uncovered violations of the Fair Housing Act based on race by Respondent Tenant Turner, Inc., a web-based lead management and tenant screening software that provides services for property managers nationwide including pre-qualification of prospective tenants. Tenant Turner falsely marketed its software as providing “fair housing-compliant” tenant screening for landlords, even though it explicitly offered the option for landlords to unlawfully exclude recipients of housing vouchers.

First, Complainants conducted more than 50 fair housing tests of Tenant Turner’s website that revealed that Tenant Turner prompted and facilitated discrimination against voucher holders. Tenant Turner’s software prompted all landlords and property managers to indicate whether they wanted to rent to prospective tenants with vouchers, even in cities or counties with local ordinances that prohibit discrimination against voucher holders. If a property owner or manager did not want to rent to voucher holders, Tenant Turner’s software generated a listing on its website that stated, “This property is not available for tenants with . . . a housing voucher” or words to that effect. Complainants’ investigation revealed that Tenant Turner’s website contained more than 440 listings indicating that the property was not available to voucher holders on a single day in Summer 2022.

Second, Tenant Turner’s software refused to schedule viewings for voucher holders if a housing provider indicated that they did not want to rent to voucher holders, even in cities or counties with local ordinances that prohibit discrimination against voucher holders. From late 2021 through 2023, NFHA, FHRC and HECP conducted more than 50 total test parts to test for discrimination based on voucher status on rental properties listed on Tenant Turner’s website that indicated that the property was not available for tenants

with vouchers. In each of the tests, testers with housing vouchers were unable to schedule a viewing of the rental unit.

Third, the tests conducted from 2021-2023 showed that Tenant Turner's software generated a notice to prospective tenants with vouchers who attempted to schedule a viewing that stated "Sorry. This property is not available for tenants with . . . a housing voucher" or words to that effect. Testers with housing vouchers received a notice that the property was not available for prospective tenants with vouchers.

Tenant Turner's practice of prompting and facilitating discrimination against voucher holders has a disparate impact based on race and violates the Fair Housing Act.

The Parties

Complainant 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. NFHA engages in several different programs and activities including education and outreach, public policy, membership services, community development, tech equity and enforcement to further its mission, among other activities and programs.

Complainant Fair Housing Rights Center in Southeastern Pennsylvania (FHRC) is a private nonprofit organization serving 16 counties. FHRC's mission is to ensure equal access to housing opportunities to all persons regardless of protected class under federal, state, and local anti-discrimination laws. FHRC assists the public through advocacy, education and outreach, training, referral, linkage, testing and investigations, enforcement, housing counseling, trauma-informed services, and a variety of legal services.

Complainant Housing Equality Center of Pennsylvania (HECP) is a nonprofit organization whose mission is to advance fair and equal access to housing opportunities for all Pennsylvanians. HECP offers a variety of programs and services to the general public including but not limited to training and testing investigations, education, consulting and counseling.

Respondent Tenant Turner, Inc. is a for-profit corporation organized under the laws of the state of Delaware, with its principal offices based in the state of Virginia.

The Housing Choice Voucher Program Overview

The Housing Choice Voucher program, formerly known as and commonly referred to as Section 8, provides assistance to low-income families and individuals to obtain affordable and safe housing.

The Department of Housing and Urban Development provides funding to local public housing authorities for the Housing Choice Voucher Program, which administers the program locally and issues vouchers to qualified families and individuals. Housing authorities administer the Housing Choice Voucher program.

Under the Housing Choice Voucher Program, voucher holders can use vouchers to find their own housing including apartments. They can choose any housing that meets the program's requirements. Voucher holders pay to the landlord the difference between the actual rent and the amount subsidized by the housing authority. The housing authority pays a housing subsidy directly to the landlord. Voucher holders pay approximately 30 percent of their household income in rent and the housing authority pays the rest of the rent.

Many state and local governments across the country prohibit discrimination against voucher holders by state law or local ordinance.

Tenant Turner Settled A Previous Lawsuit Alleging Discrimination Against Voucher Holders

Tenant Turner knew that its practice of prompting and facilitating discrimination against voucher holders violates fair housing laws. In April 2022, Respondent Tenant Turner settled a lawsuit with the Massachusetts Attorney General's office alleging that Tenant Turner marketed and sold prequalification software services to property managers and landlords in Massachusetts that facilitated discrimination against voucher holders, the same claims as alleged here.

Under the terms of the settlement, Tenant Turner, among other things, was prohibited in Massachusetts from offering any features in its tenant pre-qualification software that automatically disqualify or "auto-archive" prospective tenants on the basis of receipt of housing vouchers; that allow housing providers to identify whether prospective tenants receive housing vouchers; or that automatically generate and send statements of disqualification on the basis of receipt of housing vouchers. Tenant Turner also claimed to have disabled a toggle button which automatically disqualified tenants who receive government housing vouchers.

Despite agreeing to change its policies and practices for voucher holders in Massachusetts, Tenant Turner continued its discriminatory policies and practices against voucher holders in cities and counties that prohibit voucher discrimination by local ordinance.

Housing Choice Voucher Recipients Are Disproportionately Black

Housing Choice Voucher Holders in Philadelphia

In Philadelphia, Black households make up a disproportionate share of the Voucher Program compared to their proportion of the city as a whole. Of the 19,350 Housing Choice Voucher households in Philadelphia, approximately 83.5% are Black, compared with about 44% in the City's renter household population. By comparison, only 9% of Voucher Program households are white, compared with 39% of the City's renter household population as a whole. Stated differently, 83.5% of Philadelphia renters with Housing Choice Vouchers are Black and only 9% are white; while 41% of Philadelphia renters without Housing Choice Vouchers are Black, and 36% are white.

About 13% of the Black Philadelphia renter population maintains Housing Choice Vouchers (roughly 1 in 8 Black renters), as compared to 1.7% of the white Philadelphia renter population (roughly 1 in 59 white renters). A Black household in Philadelphia is almost nine-times more likely than a white household to be renters who are disproportionately and adversely impacted by a landlord's refusal to rent to a Voucher Program recipient.

Housing Choice Voucher Holders in Memphis

The City of Memphis had an estimated population of 147,692 renter households in 2021. Approximately 68.8% of Memphis renter households are Black or African American and an estimated 20.6% of Memphis renter households are white.

Approximately 7534 households participated in the Housing Choice Voucher Program in Memphis in 2021.

Black households are over-represented in the households participating in the Housing Choice Voucher Program. An estimated 7,233 households receiving vouchers in Memphis are African American. Approximately 75 households receiving vouchers are White. While 68.8% of renter households in Memphis are Black, 96% of households receiving vouchers are Black. By contrast, while White households comprise 20.6% of renter households in Memphis, White households comprise 1% of voucher households in Memphis. The disparity ratio between Black and White voucher holders in Memphis is 96.

Nationally, Black households comprise 48% of Housing Choice Voucher holders and 20% of renter population. By contrast, non-Hispanic White households make up 30% of Housing Choice Voucher holders and 52% of the renter population.

Several commenters have noted that “Section 8” is often used as a proxy for Black households.

Violations of the Fair Housing Act

Complainants’ Testing

Tenant Turner is a lead management company based that provides services for owners and property managers across the country. It provides property managers with software that allows them to list their rental properties, set up showings based on prospective tenant’s responses to an initial pre-screening form, and automatically follow up, schedule, confirm, cancel, and collect feedback for every viewing.

On its website, Tenant Turner states that one of its benefits is that it will allow a housing provider to have “all your leasing activities in one place” and “standardize your lead pre-qualification and **stay Fair Housing Act-compliant.**” Tenant Turner, www.tenantturner.com (last visited Feb. 3, 2024) (emphasis added). Tenant Turner allows property owners and managers to “[s]et your screening criteria and when your rental is available for viewings” by “scor[ing] your leads based on your criteria and let only qualified leads have access to your calendar. . . .” *Id.*

Tenant Turner’s software prompts and facilitates housing providers to refuse to permit prospective tenants with vouchers to view available rental units, even if the rental unit is in a city or county that prohibits voucher discrimination by local ordinance. When a user such as a property manager first accesses Tenant Turner’s software, it prompts pre-determined questions that ask whether the user wants to allow voucher holders to view rental units. Complainants’ testing conducted from 2021 to 2023 showed that if a property manager elects not to allow prospective tenants with housing vouchers to schedule a viewing, the Tenant Turner software refuses to schedule a viewing by voucher holders. The testing also revealed that Tenant Turner’s website generated a statement on its website that the “property is not available for tenants with... a housing voucher” or words to that effect.

In 2019, NFHA identified Tenant Turner as an online rental listing site that displayed housing choice voucher restrictions on listings in areas with local or state ordinances or laws establishing source of income as a protected class from housing discrimination. NFHA conducted one matched pair test of Tenant Turner of a rental property listed on Tenant Turner’s website located in Washington, D.C., a city with a local ordinance that prohibits discrimination based on source of income as a protected class. Both a voucher holder and non-voucher profile were created to submit viewing requests for the property via

Tenant Turner. The voucher holder received a screen with the text, “Sorry” followed by the list of restrictions on the listing including but not limited to, “This property is not available for tenants with... section 8.” The non-voucher holder did not receive this screen and was instead notified that their viewing request was sent to the property manager.

NFHA continued its investigation of Tenant Turner’s policies and practices for tenant screening in 2019. Through the investigation, NFHA found that Tenant Turner automatically schedules rental unit viewings and prequalifies leads through screening questions and scoring applicants from 1-10 based on their responses. Tenant Turner allows prospective tenants that score a 6 or higher to move on and schedule a showing and those below a six are told that they do not qualify for a rental. Property owners and managers can choose pre-qualification questions from a list of questions and criteria Tenant Turner provides. One of the pre-qualification questions concerns whether property managers want leads from prospective tenants with government vouchers. Tenant Turner’s software allowed users the option of toggling on and off whether they want leads from prospective tenants with government vouchers.

From late 2021 to 2024, NFHA, FHRC and HECP conducted more than 50 total test parts of Tenant Turner to test for discrimination based on voucher status using rental properties listed on Tenant Turner’s website that indicated that the property was not available for tenants with vouchers. NFHA conducted tests of Tenant Turner using rental units listed on Tenant Turner’s website in Atlanta, Georgia; Charlotte, North Carolina; Chicago, Illinois; Columbus, Ohio; Denver, Colorado; Des Moines, Iowa; Memphis, Tennessee; Minneapolis, Minnesota; Oklahoma City, Oklahoma; Philadelphia, Pennsylvania; St. Louis, Missouri; Valrico, Florida. The testers posed as prospective tenants with housing vouchers and attempted to schedule appointments to view rental units on the Tenant Turner website.

In 45 of the tests involving voucher holders, testers with housing vouchers were unable to schedule a viewing of the rental unit. In 44 of the tests, the tester with a housing voucher reached a screen from Tenant Turner that stated, “Sorry,” usually followed by the statement, “This property is not available for tenants with... a housing voucher” or words to that effect and a list of other restrictions. Testers with vouchers were unable to schedule a viewing of the rental unit even if they met the listed minimum income requirements.¹

For example, on December 21, 2021, a tester posing as a prospective tenant with a housing voucher, inquired about a rental unit available for rent located at 5719

¹ Only one of the testers received a message notifying them that the property had no viewings available.

Prescott Court, Charlotte, North Carolina by using the Tenant Turner website. The listing on the Tenant Turner website stated, "This property is not available for tenants with . . . a housing voucher . . ." After the tester indicated that the source of her rental payments was a housing voucher and clicked to submit her information, she received a message that stated, "Sorry. This property is not available for tenants with . . . a housing voucher . . ."

That same day, December 21, 2021, a tester posing as a prospective tenant without a housing voucher and income from employment, inquired about the same rental unit located at 5719 Prescott Court, Charlotte, North Carolina by using the Tenant Turner website. After the tester indicated that his income was from employment, he received a message that his information was provided to the property management company and received an email to schedule a viewing of the rental unit.

As another example, on April 28, 2023, a tester posing as a prospective tenant with a housing voucher, inquired about an apartment available for rent located at 1534 S Perkins Rd., Memphis, Tennessee by using the Tenant Turner website. The listing on the Tenant Turner website stated, "This property is not available for tenants with . . . a housing voucher . . ." After the tester indicated that the source of her rental payments was a housing voucher and clicked to submit her information, she received a message that stated, "Sorry. This property is not available for tenants with . . . a housing voucher . . ."

Discriminatory Listings

In August 2022, October 2022, December 2022, January 2023 and March 2023, NFHA analyzed data from all the listings posted on Tenant Turner's site. NFHA's analysis revealed that more than 4,005 listings contained language restricting voucher holders from viewing rental units. The listings stated, "Sorry. This property is not available for tenants with . . . a housing voucher . . ." or words to that effect.

Listings with housing choice voucher restrictions were found in 54 localities with source of income protections including: Akron, OH; Alachua County, FL; Albuquerque, NM; Ann Arbor, MI; Arvada, CO; Atlanta, GA; Boulder, CO; Broward County, FL; Chicago, IL; Cincinnati, OH; Clayton, MO; Columbia, MO; Columbus, OH; Colorado Springs, CO; Cook County, IL; Dane County, WI; Dayton, OH; Daytona Beach, FL; Denver, CO; Des Moines, IA; East Lansing, MI; Fort Collins, CO; Gainesville, FL; Grand Rapids, MI; Greeley, CO; Harwood Heights, IL; Hillsborough County, FL; Holland, MI; Jackson, MI; Kalamazoo, MI; Kentwood, MI; Lakewood, CO; Lansing, MI; Littleton, CO; Louisville, KY; Loveland, CO; Madison, WI; Memphis, TN; Miami-Dade County, FL; Milwaukee County, WI; Minneapolis, MN; Philadelphia, PA; Portland, MI; Reynoldsburg, OH; St. Louis, MO; St. Petersburg,

FL; Toledo, OH; Tucson, AZ; University Heights, OH; Urbana, IL; Webster Grove, MO; Westerville, OH; Wickliffe, OH and Wyoming, MI.

Memphis, Tennessee and Philadelphia, Pennsylvania had a high number of listings with Housing Choice Voucher restrictions. Housing Choice Voucher Restrictions continued to appear on listings for housing on Tenant Turner's website in January 2024. For example, on January 22, 2024, a listing appeared on Tenant Turner's website for a one-bedroom apartment in South Philadelphia that stated that "[t]his property is not available for tenants with . . . a housing voucher." As another example, that same day, January 22, 2024, a listing appeared for a two-bedroom apartment in Memphis on Tenant Turner's website that stated "[t]his property is not available for tenants with . . . a housing voucher."

Fair Housing Testing in Philadelphia

Based on the results of its testing investigation and the analysis of listings, NFHA began investigating rental units listed as available to rent on Tenant Turner's website in Philadelphia to determine if barriers to equal opportunity based on exist at those rental properties.

NFHA's preliminary investigation included researching listings on Tenant Turner's website in Philadelphia and informing FHRC and HECP of potential discrimination against voucher holders on Tenant Turner's website in Philadelphia.

In February 2023, NFHA, FHRC and HECP conducted twelve test parts of rental units in Philadelphia listed on Tenant Turner's website. The listings for the rental properties on Tenant Turner's website each stated that the property was not available for tenants with vouchers. The testers posed as prospective tenants with housing vouchers and attempted to schedule appointments to view rental units on the Tenant Turner website.

In all twelve of the tests involving voucher holders, testers with housing vouchers were unable to schedule a viewing of the rental unit. The tester with a housing voucher reached a screen from Tenant Turner that stated, "Sorry," usually followed by the statement, "This property is not available for tenants with... a housing voucher" or words to that effect.

For example, on January 31, 2023, a FHRC tester posing as a prospective tenant with a housing voucher, inquired about an apartment available for rent located at 834 S 56 St Unit 2, Philadelphia Pennsylvania by using the Tenant Turner website. The listing on the Tenant Turner website stated, "This property is not available for tenants with . . . a housing voucher . . ." After the tester indicated that the source

of her rental payments was a housing voucher and clicked to submit his information, he received a message that stated, "Sorry. This property is not available for tenants with . . . a housing voucher . . ."

On February 1, 2023, a HECP tester posing as a prospective tenant with a housing voucher, inquired about an apartment available for rent located at 1161 13th St., Philadelphia Pennsylvania by using the Tenant Turner website. The listing on the Tenant Turner website stated, "This property is not available for tenants with . . . a housing voucher . . ." After the tester indicated that the source of his rental payments was a housing voucher and clicked to submit his information, he received a message that stated, "Sorry. This property is not available for tenants with . . . a housing voucher . . ."

On September 14, 2023, a FHRC tester posing as a prospective tenant with a housing voucher, inquired about an apartment available for rent located at 740 Vernon Road-1, Philadelphia Pennsylvania by using the Tenant Turner website. The listing on the Tenant Turner website stated, "This property is not available for tenants with . . . a housing voucher . . ." After the tester indicated that the source of his rental payments was a housing voucher and clicked to submit his information, he received a message that stated, "Sorry it looks like you cannot automatically schedule a showing due to one or more of this property's rental requirements. . ."

As another example, also on September 14, 2023, a HECP tester posing as a prospective tenant with a housing voucher, inquired about an apartment available for rent located at 4815 Locust Street, Philadelphia Pennsylvania by using the Tenant Turner website. The listing on the Tenant Turner website stated, "This property is not available for tenants with . . . a housing voucher . . ." After the tester indicated that the source of his rental payments was a housing voucher and clicked to submit his information, he received a message that stated, "Sorry it looks like you cannot automatically schedule a showing due to one or more of this property's rental requirements. . ."

Injury to Complainants

Respondents' practices have injured NFHA, FHRC and HECP by undermining their other programs designed to promote fair housing, requiring them to divert scarce resources from their usual and planned activities and instead devote substantial time and activities to identify and counteract Respondents' discrimination; frustrating their mission to increase fair and equal access to housing and eliminate segregation in the communities they serve and harming the communities they serve.

Complainants have engaged in several activities to counteract Respondents' discrimination.

NFHA, FHRC and HECP suffered frustration of their mission and injuries to their other programs designed to promote fair housing from Tenant Turner's continuing policy and practice of unlawful racial discrimination against voucher holders.

8. The most recent date on which the alleged discrimination occurred:

This violation is continuing.

9. Types of Federal Funds identified:

None.

10. The acts alleged in this complaint, if proven, may constitute a violation of the following:

Sections 804(a),(b) and (c) of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act of 1988.

Please sign and date this form:

I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.

Lisa Rice
President and CEO
National Fair Housing Alliance

Date

Angela McIver
Chief Executive Officer
Fair Housing Rights Center in Southeastern Pennsylvania

Date

Rachel Wentworth
Executive Director
Housing Equality Center of Pennsylvania

Date