Housing Clinic Exposes Underhanded Discrimination

Students pose as would-be renters to expose landlords who refuse leases unfairly.

Karen Sloan, The National Law Journal

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Civil rights lawyers refer to unfair housing practices as "discrimination with a smile" because would-be renters rarely realize they've been denied an apartment due to their race, family status, disability or national origin.

A small army of students from Suffolk University Law School in Boston seeks to expose those hard to pin down violations by posing as potential renters and documenting their treatment by landlords and brokers.

Recent Suffolk law graduate Regina Holloway, an African-American mother of four, had no idea how much housing discrimination she had faced before joining the law school's testing effort three years ago.

"I didn't know I had the opportunity to fight it at the time, but [discrimination testing] really opened my eyes," Holloway said. "For me, it felt therapeutic. It felt like kicking discrimination in the face."

Through Suffolk's Housing Discrimination Testing Program, students design tests that gauge the legality of rental practices. Pairs of volunteers then
pose as renters — one from a federally protected class, the other from a nonprotected class — and document their interactions with landlords.

If they find evidence of discrimination, the project reports them to the appropriate housing enforcement agencies, or else students in the school's accelerator practice clinic represent the plaintiffs directly.

The project conducts random tests, but many investigations stem from complaints forwarded by local enforcement agencies or from suspect advertising. "Housing discrimination is still a significant problem," said William Berman, a Suffolk professor who oversees the project. "About 44 percent of the time we find evidence of discrimination."

Bias against families is common, Berman said, driven largely by landlords' reluctance to assume the cost of lead paint removal. And people paying with Section 8 vouchers and other subsidies often face discrimination — a violation of Massachusetts law.

The project sometimes exonerates property owners accused of discrimination, Berman added.

"Housing discrimination cases are very hard to move forward," said Dion Irish, executive director of Boston's Office of Fair Housing and Equity, a project collaborator. "Our office has been able to bring better cases forward with the additional evidence they provide."

Recruiting students has been easy, said Jamie Langowski, one of the fellows who evaluates test results.

"It gives them a chance to put something on their résumé that's interesting and legal-related," she said. "It also gives them a chance to be a witness before they ever have to work with witnesses in their professional careers."

The project has received more than $1.9 million from the U.S. Department of Housing and Urban Development since it began in 2012; that money will be distributed through 2018.

"This is not just acting," said Holloway, who graduated in January and joined the project as a fellow after conducting some 50 housing tests as a student. "You learn how to collect evidence. You learn how to stay neutral and just see how people treat you without leading them in any direction. You learn to
record facts, not opinions," she said.

**Other Clinics to Check Out:**

- Howard University School of Law’s Fair Housing Clinic
- The John Marshall Law School’s Fair Housing Legal Clinic
- Michigan State University College of Law’s Housing Law Clinic

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