

What is Fair Housing?

The Indiana and federal fair housing laws provide protection in housing to groups of persons based on certain characteristics. A group sharing a protected characteristic is described as a “protected class.” Together, the Indiana and federal fair housing laws prohibit discrimination in housing-related transactions (rental, sales, lending, insurance, zoning) based on the protected classes of:

- Race (*any race*)
- Color (*any color*)
- Religion
- National Origin (*any nationality*)
- Gender (sex - includes gender identity)
- Familial Status (presence of children under 18 in the family or pregnant women or adults attempting to secure custody of children)
- Disability (handicap)
- Ancestry (Indiana state law only)
- Age, Sexual Orientation, Military Service Veteran Status (Indianapolis/Marion County ordinance only)

Each of us is a member of several protected classes. Fair housing laws apply to us all!



What is the FHCCI?

The Fair Housing Center of Central Indiana (FHCCI) is a private, nonprofit fair housing organization founded in 2011. The FHCCI serves Central Indiana with a mission to ensure equal housing opportunities by eliminating housing discrimination through advocacy, enforcement, education and outreach.

We Need You!

If you are interested in learning more about testing or getting an application to be a tester, email:

info@fhcci.org

Or contact:

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Fair Housing Center of Central Indiana (FHCCI)

Fair Housing Testing Program



 **FAIR
HOUSING
CENTER**
of CENTRAL INDIANA

Fair Housing is a Right

What is Fair Housing Testing?

Testing is a tool used by fair housing organizations and government agencies to uncover housing discrimination in violation of fair housing laws.

Testing is a simulated housing transaction designed to obtain evidence of any differential treatment based on an individual's protected class status under fair housing laws.

Stated simply, testing is typically sending two individuals with similar profiles and housing needs but with different protected class statuses, such as race, to the same available housing unit to see if they are treated differently because of their protected class status.

Testing can occur in the rental, real estate, sales or lending markets. Without testing, most housing discrimination goes undetected.

Who are Testers?

Testers are a diverse group of dependable, conscientious people, 18 years and older, who assist those working to eliminate housing discrimination in gathering information about housing practices. They are of various racial and ethnic groups, men and women, over a broad range of



ages with and without disabilities.

Testers take on various roles and profiles.

FHCCI Fights Discrimination



They do not try to trap the housing provider or cause them to discriminate. They perform a task similar to a restaurant critic. They observe and record their experiences. Testers are sometimes also referred to as “secret shoppers” or

“auditors”.

The tester's job is to gather information, much like anyone on a housing search or when seeking a loan, and to observe how a housing provider treats prospective housing tenants, mortgage applicants or home buyers. After each test, the tester will complete a detailed account of what occurred during the test and submit to the FHCCI staff.

What is Required of Testers?

Following approval of their application, testers are required to participate in a training prior to conducting any tests. Trainings are scheduled on a periodic basis. The FHCCI also provides any needed additional preparation prior to conducting a test.

Testers are part time employees who receive a stipend for their time ranging from \$25-\$200 per test, depending upon the type of test conducted. Related expenses are also reimbursed with prior approval.

Testers do not need to have a private vehicle as long as they are able to get to and from needed test sites. Depending upon the circumstances, the FHCCI may also approve reimbursement of any public



But We Need Your Help

transportation or vehicle rental costs. Some tests may even be done over the phone without a need for transportation. Tests are arranged around the tester's schedule on an as needed basis.



Due to the potential to be witness to a fair housing violation, testers are screened for criminal history and any possible conflicts of interest.

What Have the Courts Said About Fair Housing Testing?

In *Havens Realty Corp. v. Coleman* (455 U.S. 363 (1982)), the U.S. Supreme Court upheld the use of testers in housing discrimination cases as an important and legitimate means of enforcing fair housing laws.

In *Richards v. Howard* (712 F.2d 319, 321 (7th Cir. 1983)), the court noted the evidence provided by testers both benefited unbiased landlords by quickly dispelling false claims of discrimination and is a major resource in society's continuing struggle to eliminate the subtle but deadly poison of racial discrimination.

