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Introduc: 3/18/81
Referred: Judiciary

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 356

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unlawful practices in the sale or
7 rental of real property."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.80.240 is amended to read:

10 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL
11 PROPERTY. It is unlawful for the owner, lessee, manager or other
12 person having the right to sell, lease or rent real property

13 (1) to refuse to sell, lease or rent the real property to a
14 person because of sex, marital status, changes in marital status,
15 pregnancy, parenthood, race, religion, color or national origin [; HOW-
16 EVER, NOTHING IN THIS PARAGRAPH PROHIBITS THE SALE, LEASE OR RENTAL OF
17 CLASSES OF REAL PROPERTY COMMONLY KNOWN AS HOUSING FOR "SINGLES" OR
18 "MARRIED COUPLES" ONLY];]

19 (2) to discriminate against a person because of sex, marital
20 status, changes in marital status, pregnancy, parenthood, race,
21 religion, color or national origin in a term, condition or privilege
22 relating to the use, sale, lease or rental of real property [; HOWEVER,
23 NOTHING IN THIS PARAGRAPH PROHIBITS THE SALE, LEASE OR RENTAL OF
24 CLASSES OF REAL PROPERTY COMMONLY KNOWN AS HOUSING FOR "SINGLES" OR
25 "MARRIED COUPLES" ONLY];] → McConghy Leaving this section out → nit right

26 (3) to make a written or oral inquiry or record of the sex,
27 marital status, changes in marital status, parenthood, race, religion,
28 color or national origin of a person seeking to buy, lease or rent real
29 property;

Delete language

1 (4) to offer, solicit, accept, use or retain a listing of
2 real property with the understanding that a person may be discriminated
3 against in a real estate transaction or in the furnishing of facilities
4 or sources in connection therewith because of a person's sex, marital
5 status, changes in marital status, pregnancy, parenthood, race,
6 religion, color, national origin or age;

7 (5) to represent to a person that real property is not
8 available for inspection, sale, rental, or lease when in fact it is so
9 available, or to refuse a person to inspect real property because of
10 the race, religion, color, national origin, age, sex, marital status,
11 change in marital status, parenthood, or pregnancy of that person or of
12 any person associated with that person;

13 (6) to engage in blockbusting;

14 (7) to make, print or publish, or cause to be made, printed
15 or published, any notice, statement or advertisement, with respect to
16 the sale or rental of real property that indicates any preference,
17 limitation, or discrimination based on race, color, religion, sex,
18 parenthood, or national origin, or an intention to make the preference,
19 limitation or discrimination.
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ALASKA LANDLORD & PROPERTY MANAGERS ASSOCIATION

March 3, 1981

Representative Fred Brown
Pouch V
Interdepartmental Mail Stop 3100
Juneau, Alaska 99811

Dear Representative Brown:

I am writing in regard to HB 356, "An act relating to unlawful practices in the sale or rental of real property". ALPMA is opposed to this bill. To our knowledge there are no abuses occurring in this area of discrimination and there is no demand that we know of for this type of legislation. Members of ALPMA will be testifying at the teleconference on Wednesday, April 9, 1981.

It seems to ALPMA that this legislation is not needed, nor is it practical. Keep in mind that the landlord's first objective is to find tenants for his apartments, or he has no income. He will give preference to those who are most likely to be stable, and pay the rent. Families with children are generally the best risks.

Apartments are usually constructed with a particular type of tenant in mind. Efficiencies are designed for single persons, one-bedroom units for couples, two and more bedrooms for families with children. Most landlords will resist renting to families too large for the unit being rented. On the other hand, a landlord would be foolish to insist on couples with no children for two-bedroom apartments.

Some complexes are designed specifically for families with children. They have playgrounds with swings and slides. Other complexes are designed for adults, with tennis courts and saunas. The notion of government stepping into this free enterprise system with regulations somehow designed to prevent discrimination is ludicrous. Children will always be welcome in family-oriented complexes, and will be discouraged in adults-only complexes.

I have some specific comments about the bill. The bill may be in conflict with itself if it includes the language on line 18, allowing "MARRIED COUPLES ONLY". On line 14 there is existing language prohibiting discrimination on account of marital status. Perhaps the intent in HB 356 is to permit "ADULTS ONLY" rental complexes.

The second comment is that HB 356 covers all rental property, yet the language of the bill deals only with residential property. How could this prohibition relate to office rental, or ground rental?

Lastly, HB 356 seems to conflict with local health and housing codes that limit the number of persons that may occupy sleeping quarters. The bill apparently would force a landlord to accept more children than the number of bedrooms in the apartment would accommodate.

Sincerely,

Bernard L. Marsh
Executive Secretary, ALPMA

BLM:mj



0801 02 EES

Questions & Answers about "No Children" Housing in California

Q: *Is there really a shortage of housing for families with children?*

A: Yes. A 1979 survey found that 71% of apartment units in Los Angeles allowed no children of any age, 15% allowed children of certain ages, and only 14% allowed children with no age restrictions. Similar patterns of exclusion have been documented in Fresno, San Jose, San Diego, Oakland, Mountain View, and Campbell. In addition, census data show that even when family size and income are the same, renters with children are inadequately housed more often than their childless counterparts.

Q: *Isn't the solution to build more apartments?*

A: This "solution" ignores the fact that most new buildings (74% in the Los Angeles survey) also ban children. Also, there is nothing to prevent buildings which now accept children from becoming "adults only" in 30 days, the time it takes for legal notice of eviction, thereby intensifying the housing crisis for families.

Q: *Who is hurt the most by "adults only" housing?*

A: Women and minorities. In California, women with children make up 62% of the state's female renter population. Similarly, 41% of Black renters and 54% of Hispanic renters have children. This means that years after the federal government and California outlawed housing discrimination based on sex, race, color, ancestry, or national origin, a large segment of the female and minority renter population can be refused housing or evicted because they have children.

Q: *Don't landlords have a right to refuse tenants they don't want?*

A: They have that right to a certain extent, but they are limited by our civil rights laws which prohibit arbitrary discrimination. A landlord may not want to rent to a divorced woman, or a renter may decide that he doesn't want to live next to a Black, but the Unruh Civil Rights Act does not permit such discrimination based on stereotypes about people. Parents -- who may be Black or divorced -- need and deserve the same degree of protection as other classes of renters.

Q: *Aren't maintenance costs higher when you rent to families with children?*

A: According to a New York company which supplies the insurance industry with nationwide statistics on damages, there is no empirical data to prove that the presence of families results in greater destruction to property than the presence of "singles."

Q: *Don't insurance companies charge higher rates for buildings that allow children?*

A: No. Agents for Prudential, Safeco, Aetna, Republic, Northwestern, and Continental Insurance Companies say that it is the condition of the building -- not the age of its tenants -- that determines insurance rates. (It is important to note that if tenant age were a factor in setting accident liability rates, the heaviest burden might fall on the elderly.)

Q: *Wouldn't fair housing laws force landlords to accept children in buildings that are not safe for them?*

A: This issue is misleading. According to our state and local building codes, any building which is unsafe for a child is also unsafe for adults. The real safety issue is that anti-child rental policies force many families to live in the most dilapidated, unsafe, overcrowded, and crime-ridden neighborhoods because they are deprived of choice.

Q: *Aren't adult buildings quieter than family buildings?*

A: Tenants who live in age-integrated buildings say there is little or no difference. Some believe their buildings are quieter than neighboring "singles" complexes, especially at night. But unfortunately, most families don't live in age-integrated buildings, and noise can become a problem in "children's ghettos" where the concentration of children is unnaturally high. Many of the problems caused by age segregation could be solved if children were dispersed throughout the rental housing market. A mixture of age groups in a building can be mutually helpful and humane for all tenants, young and old.

Q: *Wouldn't fair housing laws force landlords to rent to unqualified tenants just because they have children?*

A: No. As with other fair housing laws, landlords can require identical proof of financial responsibility and references from all prospective tenants, with or without children, and apply the same standards when choosing tenants. The only restriction would be that denial of housing cannot be based solely on the fact that the prospective tenant has a child or is pregnant. Fair housing laws do not prevent the eviction of irresponsible or destructive tenants. Fair housing means equal treatment, not special treatment.

Q: *Are there any precedents for this type of fair housing law?*

A: Laws to protect renters with children from housing discrimination have been enacted in Michigan, Arizona, Illinois, New Jersey, New York, Delaware, * Massachusetts, Connecticut, ~~Michigan~~, and the District of Columbia, as well as the California cities of San Francisco, Berkeley, Davis, Santa Monica, Los Angeles (1980), Oakland (1980), and the County of Santa Clara. The City of Fresno has incorporated some family housing protections into its zoning codes, and California statewide legislation has been proposed by Senator David A. Koberti (State Capitol, Sacramento, CA 95814, Area Code 916 - 445-8390).

Q: *Who should I call to report a case of age discrimination?*

A: Check your phone book for a Legal Aid office, Fair Housing Congress or Council, Human Rights Commission, or Consumer Affairs agency. If your city or county doesn't have a protective ordinance, ask your City Council or Board of Supervisors if they plan to introduce one.

* * * * *

If you have other questions about housing discrimination against children, please write to us at P. O. Box 5877, Santa Monica, CA 90405, or call (213) 393-1093. If you would like to obtain a copy of our 52-page report on the extent and effects of no-children rentals in five California cities, please enclose \$5 with your letter.

* Correction on line 3: Substitute "Minnesota" for "Michigan."

MEMORANDUM

State of Alaska

TO: Commissioners

DATE: January 23, 1980

FILE NO:

TELEPHONE NO:

[Handwritten signature]
FROM: Niel Thomas
Executive Director
Human Rights Commission

SUBJECT: Parenthood Discrimination in Housing

The 1975 legislature added the word "Parenthood" as one of the bases for filing a discrimination complaint with the Commission. This basis was not included in every section of the Human Rights Law. I recall informal discussions as to whether it should be included in the housing section. That would prohibit a landlord, for instance, from refusing to rent to someone simply because he or she had children.

As I remember the discussion -- and no formal proposal to this effect was ever included in drafts of the bill -- the thinking of the sponsors was that landlords should be free to determine whether they want to have their property suffer the kind of wear and tear which people traditionally associate with having children in an apartment. Since the idea never gained much momentum one way or the other, it was never squarely before the Legislature and therefore these discussions do not begin to rise to any level of legislative history.

The idea has now surfaced with perhaps more enthusiasm, as you can see from the letter of inquiry which appears under this memo. The specific request is that you advise the Legislature as to your preference for or against legislation. To provide you with a balanced view of the issue, I have shown that letter to Ben Marsh, who heads the Landlords Association and asked for the viewpoint of his organization. That letter is also attached.

*not received
as of
meeting
date
2/1/81
not*

SEATTLE OPEN HOUSING ORDINANCE

ORDINANCE 104839

AS AMENDED BY ORDINANCE 106476 AND ORDINANCE 108205

AN ORDINANCE relating to and prohibiting unfair practices involving real property, establishing an "Open Housing Ordinance"; providing for enforcement procedures and prescribing penalties; and repealing Chapter 12A.44 "Unfair Housing Practices" of the Seattle Criminal Code (Ordinance 102843).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SHORT TITLE AND PURPOSES. This ordinance shall be known as and may be cited as the "Open Housing Ordinance". The general purposes of this ordinance are to promote the availability and accessibility of housing and real property to all persons; to prohibit discriminatory practices in real property transactions, whether direct or indirect, which inexcusably and unjustifiably deny those persons equal rights and opportunities in acquiring or disposing of real property; and to provide enforcement mechanisms for the accomplishment of such purposes; and to these ends the provisions of this ordinance shall be liberally construed.

Section 2. DEFINITIONS. Definitions as used in this ordinance, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

- (1) "Charging Party" means any person alleging an unfair housing practice under this ordinance.
- (2) "Commission" means the Seattle Human Rights Commission or the Seattle Women's Commission, as the context requires.
- (3) "Department" means the Department of Human Rights of the City of Seattle.
- (4) "Director" means the Director of Human Rights or the Director of the Office of Women's Rights as the context requires.
- (5) "Discriminate" means any conduct, whether by single act or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation or political ideology.
- (6) "Dwelling" includes any building containing one or more dwelling units.
- (7) "Dwelling unit" includes a suite of rooms for occupancy by one family containing space for living, sleeping and preparation of food and containing toilet and bathing facilities.
- (8) "Housing accommodations" shall include any dwelling or dwelling unit, rooming unit, rooming house, lot or parcel of land in the City of Seattle which is used, intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one or more human beings.
- (9) "Lender" includes any bank, insurance company, or savings or building and loan association, credit union, trust company, mortgage company, or other person or agent thereof, engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair or maintenance of real property.
- (10) "Occupant" includes any person who has established residence or has the right to occupancy of real property.
- (11) "Owner" includes persons who own, lease, sublease, rent, operate, manage, have charge of, control or have the right of ownership, possession, management, charge, or control of real property on their own behalf or on behalf of another.
- (12) "Party" shall include the person charging or making a complaint or upon whose behalf a complaint is made alleging an unfair practice, the person alleged or

found to have committed an unfair practice, the Department of Human Rights and the Office of Women's Rights.

→ "Parental status" means being a parent, step-parent, adoptive parent, guardian, foster parent or custodian of a minor child or children, which child or children shall permanently or temporarily occupy the real estate.

(13) "Person" includes one or more individuals, partnerships, organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons, and further includes any political or civil subdivision or agency or instrumentality of the City of Seattle.

(14) "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs, relating to the conduct, organization, function or basis of government and related institutions and activities, whether or not characteristic of any political party or group. This term includes membership or participation in the activities of a group with shared political ideology, provided such membership or participation does not involve force or violence or produce or incite imminent force or violence toward persons or property.

(15) "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of real property.

(16) "Prospective occupant" includes any person who seeks to purchase, lease, sublease or rent real property.

(17) "Real estate agent, salesperson or employee" includes any person employed by, associated with or acting for a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.

(18) "Real estate broker" includes any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or sub-leases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of real property of another, or holds themselves out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing, or renting real property of another, or collects the rental for use of real property of another.

(19) "Real Property" includes housing accommodations, buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

(20) "Respondent" means any person who is alleged to have committed an unfair practice prohibited by this ordinance.

(21) "Rooming unit" includes one or more rooms within a dwelling unit or rooming house containing space for living and sleeping.

(22) "Sexual orientation" means male or female heterosexuality, bi-sexuality or homosexuality, and includes a person's attitudes, preferences, beliefs and practices pertaining to sex, but shall not include conduct which is unlawful under city, state or federal law.

Section 3. UNFAIR PRACTICES FORBIDDEN

(1) Unfair practices as hereinafter defined regarding real property are contrary to the public peace, health, safety and general welfare and are hereby prohibited by the City of Seattle in the exercise of its police power.

(2) No owner, assignee, real estate broker, real estate agent, salesperson or employee, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of real property shall discriminate by undertaking or refusing to sell, rent, lease, sublease, assign, transfer or otherwise deny to or withhold from any person or group of persons such real property, or segregate the use thereof, or represent that such real property is not available for inspection, when in fact it is so available, or expel or evict an occupant from real property because of the race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status

or political ideology of such a person or persons, or discriminate against or segregate any person because of such person's race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status or political ideology in the terms, conditions or privileges of the sale, rental, lease, sublease, assignment, transfer or other disposition of any such real property, including but not limited to the setting of rates for rental or lease, or establishment of damage deposits, or other financial conditions for rental or lease, or in the furnishings of facilities or services in connection therewith.

(3) No real estate broker or real estate agent, salesperson or employee shall because of race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status or political ideology of an occupant, purchaser, prospective occupant, or prospective purchaser:

(a) Refuse or intentionally fail to list or discriminate in listing real property for sale, rent, lease or sublease.

(b) Refuse or intentionally fail to show a prospective occupant real property listed for sale, rental, lease or sublease.

(c) Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease real property.

(d) Otherwise discriminate against an occupant, prospective occupant, purchaser or prospective purchaser of real property.

(4) No lender, or any agent or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property shall:

(a) Discriminate against any person, prospective occupant or tenant of real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance, or in the extension of services in connection therewith; or

(b) Use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination because of race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology, unless required or authorized by local, state or federal laws or agencies for the purpose of preventing discrimination in real property; provided that nothing in this provision shall prohibit any party to a credit transaction from requesting designation of marital status for the purpose of considering application of community property law to the individual case or from taking reasonable action thereon.

(5) No owner, real estate agent, salesperson or employee, real estate broker, or any other person, shall:

(a) Require any information, make or keep any record, or use any form of application containing questions or inquiries concerning race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology in connection with the sale, rental, lease or sublease of any real property unless used solely for making reports required by agencies of the federal, state or local government for the purposes of preventing and eliminating discrimination or of overcoming its effects or for other purposes authorized by federal, state or local agencies or laws or rules adopted thereunder, and as to "marital status," for the purpose of determining applicability of community property law to the individual case.

(b) Publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer, or listing of real property which indicates any preference, limitation or specification based on race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status or political ideology.

(c) Aid, abet, incite, compel or coerce the doing of any act defined in this ordinance as an unfair practice; or intimidate, harass, retaliate, obstruct

or discriminate against a person in any manner because such person has complied or proposes to comply with provisions of this ordinance or has filed a complaint, testified, or assisted in any proceeding under this ordinance, or any order issued thereunder, or attempt, either directly or indirectly, to commit any act defined in this ordinance to be an unfair practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this ordinance.

(6) No owner, real estate agent, salesperson or employee, real estate broker, or any other person, shall for profit:

(a) Promote, induce or attempt to promote or induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood or area of a person or persons of a particular race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status or political ideology.

(b) Show or otherwise take any action, the design or effect of which is to steer a person or persons to any section of the city or to particular real property in a manner tending to segregate or maintain segregation on the basis of race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status or political ideology.

(7) No person, whether or not acting for profit, shall harass, intimidate, or otherwise abuse or discriminate against any person or any person's friends or associates because of the race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status or political ideology of such person or persons or their friends or associates with the purpose or effect of denying to such person or persons the rights granted in this ordinance or the right to quiet or peaceful possession or enjoyment of any real property.

Section 4. ENFORCEMENT PROCEDURES

(1) A complaint alleging an unfair housing practice shall be in writing and signed by the charging party, describing the unfair housing practice complained of, and must be filed within six (6) months of the occurrence of the alleged unfair housing practice by:

(a) Any person, or the person's attorney, when the person claims to be aggrieved by an unfair housing practice.

(b) Any Commission or Director, as defined in Section 2, whenever any such Commission or Director has reason to believe that an unfair housing practice has been or is being committed.

(c) A state or federal agency or private organization concerned with discrimination in housing, whenever it has reason to believe that an unfair housing practice has been or is being committed.

Complaints pertaining solely to race, color, creed, religion, ancestry, national origin, age or political ideology shall be filed with the Department of Human Rights which shall have primary enforcement responsibility with respect thereto; and complaints pertaining solely to sex, marital or parental status or sexual orientation shall be filed with the Office of Women's Rights which shall have primary enforcement responsibility with respect thereto; provided that a complaint alleging more than one or a combination of such factors may be filed with the department or office having jurisdiction over any one of such factors. In such case the receiving office or department shall, promptly and before investigation, notify any other office or department wherein the complaint could have been filed that the complaint has been received and provide a copy thereof upon request.

(2) A complaint shall not be rejected as insufficient because of failure to include all required information so long as it substantially satisfies the information requirements necessary for processing. The charging party may amend a complaint in any respect before notice of hearing on the matter, and thereafter may amend a complaint only with permission of the Hearing Examiner, which permission shall be granted when justice will be served thereby, and all parties are allowed time to prepare their case with respect to additional or expanded charges which they did not and could not have reasonably foreseen would be in issue at the hearing.

(3) After the filing of a complaint, the Director or in case of joint enforcement responsibility, the Director of Human Rights jointly with the Director of the Office of Women's Rights as the complaint requires, shall serve notice of the complaint (including the date, place and circumstances of the alleged unlawful practice) on the respondent and shall make an investigation thereof. The results of the investigation shall be reduced to written findings of fact, and a finding shall be made that there is or is not reasonable cause for believing that an unfair practice has been or is being committed.

(4) If a finding is made that there is no reasonable cause, said finding shall be furnished to the charging party and to the respondent. Within thirty (30) days after receipt of the finding, the charging party shall have the right to appeal such finding to the Commission having hearing responsibility by filing a written statement of appeal with it. In the event that no appeal is taken or such appeal is unsuccessful, the complaint shall be dismissed.

(5) If the finding is made initially or on appeal that reasonable cause exists to believe that an unfair housing practice has occurred, the Director shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion which may include as a condition of settlement the elimination of the unfair housing practice, rent refunds or credits, reinstatement to tenancy, affirmative recruiting or advertising measures or such other requirements as may lawfully be agreed upon by the parties and the Director. Any settlement agreement shall be reduced to writing and signed by the respondent. An order shall then be entered by the Director setting forth the terms of the agreement. Copies of such order shall be delivered to all affected parties and the original thereof filed with the City Clerk. If no agreement can be reached, a finding to that effect shall be made and reduced to writing, with a copy thereof furnished to the charging party and the respondent.

(6) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of a finding to that effect, the complaint and any and all findings made shall be certified by the Director to the Office of the Hearing Examiner for hearing. The Director shall then cause to be issued and served in the name of the Commission or Commissions having hearing responsibilities written notice of hearing to all parties as provided by law.

A hearing shall be conducted by a Hearing Examiner from the Office of Hearing Examiner, or by a deputy hearing examiner or by a hearing examiner pro tempore appointed by the Hearing Examiner. In order to promote uniformity of rules and procedures for hearings, the Hearing Examiner shall, with the advice of the Director of the Department of Human Rights and the Director of the Office of Women's Rights, and with the approval of their respective Commissions, within 60 days passage of this ordinance, present to the City Council written rules and procedures for the conduct of hearings consistent with this ordinance and the Administrative Code of the City of Seattle (Ordinance 102228). Until such formal rules are adopted, the Hearing Examiner may use such rules as may be approved by the appropriate Director(s).

The President of the Commission, or where joint enforcement responsibility is involved, the President of the Human Rights Commission jointly with the President of the Women's Commission as the case requires, may appoint a hearing panel of not more than three (3) persons, with the majority determined by the nature of the complaint, who may attend the hearing but not participate in the proceedings.

In selecting the hearing panel, the President will not appoint persons who are current members of the Commission or who are employees or agents of any department or agency involved in the case. Care must also be exercised to determine that no member of the hearing panel has a conflict of interest or has exhibited any bias or prejudice in the case.

Within such period as may be fixed by rule, the Hearing Examiner presiding at the hearing shall prepare a written decision if there is no hearing panel, or a written recommendation if a panel has been appointed. The decision or recommendation shall be filed as a public record and copies thereof mailed to each party and to other interested persons. Such decision or recommendation shall contain a brief summary of the evidence considered and shall state the Hearing Examiner's findings of fact and conclusions of law upon which such decision or recommendation is based, together with a brief statement of the Hearing Examiner's reasons therefor. If the Hearing Examiner has prepared a recommendation, it shall be in the form of a proposed decision which may be adopted by the hearing panel as its

When a hearing panel has been appointed they will make the final decision within thirty (30) days after receipt of, and upon full consideration of, the proposed decision of the Hearing Examiner as provided in the Administrative Code of the City of Seattle (Ordinance 102228). The hearing panel shall set a date for consideration of the proposed decision, and shall give notice thereof to all parties not later than ten (10) days prior to such date. The Hearing Examiner's findings of fact shall not be set aside by the hearing panel unless clearly contrary to the weight of the evidence.

(7) In the event the Hearing Examiner or the hearing panel shall determine that a respondent has been engaged in or is engaged in any unfair housing practice, the Director shall issue in the name of the Commission and cause to be served on the parties an order setting forth its decision and reasons therefor and requiring the respondent to cease and desist from such unfair practice or practices and to take such appropriate affirmative action, including but not limited to, rent refund, or credit, reinstatement to tenancy, affirmative recruiting and advertising measures, or to take such other action as in the judgment of the hearing panel will effectuate the purposes of this ordinance which may include the requirement for report on the matter of compliance. In the event the Hearing Examiner or the hearing panel finds that the respondent intentionally or knowingly committed any unfair housing practice, the Director in the name of the Commission may further order the respondent to pay a civil penalty of up to Five Hundred Dollars (\$500), which penalty shall be paid to the City Treasurer for deposit in the City General Fund.

(8) In the event the respondent refuses or fails to comply with any order of the Director, the Director shall certify the case and entire record of its proceeding to the City Attorney, who shall invoke the aid of the appropriate court to secure enforcement or compliance with the order, or to impose the penalties as set forth in this ordinance, or both; provided that in any case in which the order is directed to the City, or to any department, division, board or agency thereof, a copy of such order shall be transmitted to the Mayor who shall take appropriate action to secure compliance therewith.

(9) The Department and the Office of Women's Rights in the performance of their functions may enlist the aid of all departments of City government, and all said departments are hereby directed to fully cooperate therewith.

Section 5. EFFECT OF OTHER LAWS. Nothing in this ordinance shall invalidate or restrict any right or remedy of any charging party or respondent under state or federal law, nor preclude such party from seeking judicial review of any final administrative decision or order made hereunder.

Section 6. COOPERATIVE AGREEMENTS. Nothing in this ordinance shall be interpreted to prevent the receiving, referring, or other processing of complaints, in accordance with a cooperative agreement with the Washington State Human Rights Commission as authorized and mandated by RCW 49.60.226 or with other agencies concerned with the enforcement of laws against discrimination.

Section 7. EXCLUSIONS. Nothing in this ordinance shall:

(1) Apply to the renting, subrenting, leasing or subleasing of a single family dwelling, duplex or any dwelling in an RS or RD zone converted to multiple use prior to 1957, wherein the owner or person entitled to possession thereof normally maintains, or intends to maintain, a permanent residence, home or abode.

(2) Be interpreted to prohibit any person from making a choice among prospective purchasers or tenants of real property on the basis of factors other than race, color, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation or political ideology where such factors are not designed, intended or used to discriminate.

(3) Prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(4) Prohibit any person from limiting the rental or occupancy of housing accommodations in any YWCA, YMCA, sorority, fraternity, school dormitory, or similar residential hall to persons of one sex.

(5) Prohibit any person from limiting the rental or occupancy of housing accommodations to persons who are elderly or handicapped in any housing facility designed, constructed or substantially rehabilitated and operated exclusively for the elderly or the handicapped.

(6) Require any person to rent or lease a housing accommodation to an unemancipated minor.

(7) Require any person to rent or lease a housing accommodation in violation of the Housing Code (Ordinance 106319).

Section 8. PENALTIES. Any person who shall knowingly or wilfully engage in an unfair practice under this ordinance or who shall knowingly and wilfully resist, prevent, impede or interfere with a Director, Hearing Examiner or Hearing Panel in the performance of duties pursuant to this ordinance, or who shall fail, refuse, or neglect to comply with any lawful decision or order of a Director, Hearing Examiner or Hearing Panel, shall be liable for a civil penalty of up to Five Hundred Dollars (\$500) for each such violation in addition to any other penalty, sanction, injunction or remedial decree imposed by order of any court.

Section 9. REPEALER. Sections 12A.44.010 through 12A.44.060 (Chapter 12A.44) of Ordinance 102843 (Seattle Criminal Code) are hereby repealed; provided, that such repeal shall not affect any right accrued, any duty imposed, or any penalty incurred under or by virtue of the provisions of said Chapter 12A.44 of the Seattle Criminal Code or of Ordinance 96619 repealed thereby and the procedural provisions of this ordinance shall apply to all complaints and proceedings pending under said Chapter 12A.44 or said Ordinance 96619.

Passed by the City Council on the 4th day of August, 1975.

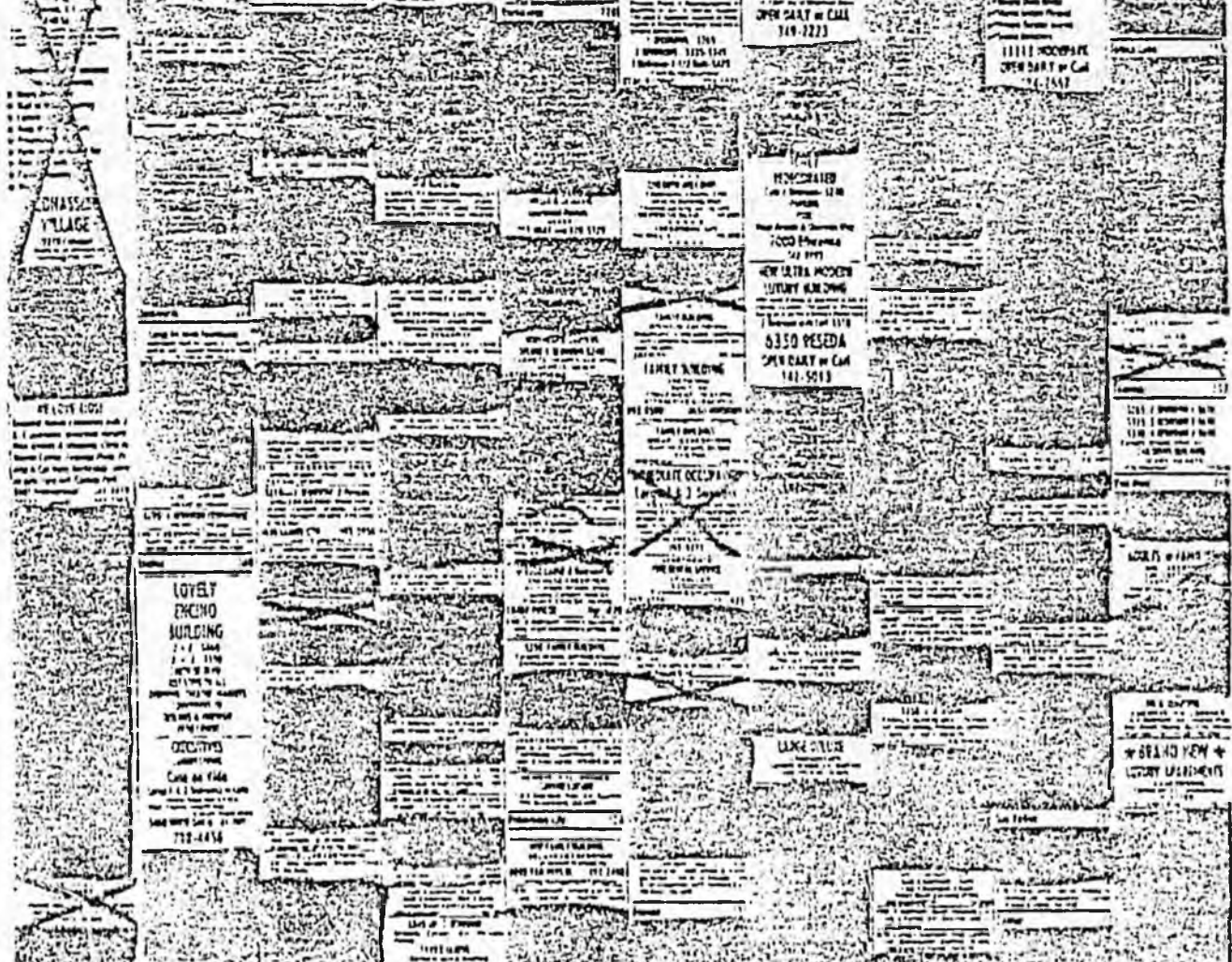
Approved by the Mayor of the City of Seattle on the 15th day of August, 1975.

Filed by the City Comptroller and the City Clerk on the 15th day of August, 1975.

The Extent and Effects of

Discrimination against Children in Rental Housing

A Study of Five California Cities



Dora J. Ashford
Beta Estor

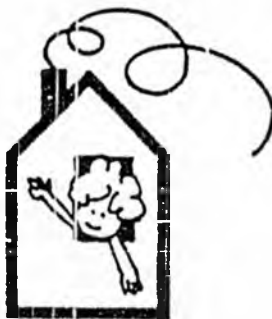
The Fair Housing Project

December, 1979

This report was prepared under a grant from the Rosenberg Foundation.

Cover by Vanann Allen
Maps by Maurice Herman

Cover: Ads are shaded to indicate those which state in print they will not accept children--full shading means no children of any age, diagonal shading indicates a portion of the complex excludes children, "X's" indicate age restrictions such as "infants only." Section was taken from a 1978 Los Angeles newspaper survey. Follow-up phone calls to the remaining ads (unshaded) revealed an additional 50% would not accept children.



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The Extent and Effects of

Discrimination against Children in Rental Housing

A Study of Five California Cities

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The Fair Housing Project

December 1979

PREFACE

In 1977, the following "action item" appeared in the California Statewide Housing Plan, a publication of the California Department of Housing and Community Development:

The Fair Housing Act and the Unruh Civil Rights Act should be amended so that they contain identical lists of the factors upon which discrimination is prohibited, and to add to those lists at least "families with children."

Statewide attention was turning to the plight of renters who are denied housing solely because they have children.

This interest prompted a state senator from Hollywood, David A. Roberti, to introduce three consecutive pieces of legislation designed to extend fair housing protections to renters with children.¹ Several local governments also passed ordinances to protect renters with children from discrimination.² However, during extensive public hearings on these laws it became apparent that there was little statewide or multi-city data available on the extent and effects of anti-child rental policies.

This report attempts to supply some of that information. We hope it will encourage others to examine the housing problems of families with children and to re-evaluate public and private policies that exclude children from shelter.

¹ SB-440, the last of these bills, was narrowly defeated in January 1980 in the California State Senate. On March 19, 1980, Sen. Roberti introduced SB-2024 which prohibits all arbitrary housing discrimination based on age. In addition to families with children, SB-2024 also protects other tenants from age discrimination, e.g., single young adults in their twenties, who may be stereotyped as "swinging singles."

² Ordinances have been adopted in San Francisco (1975), Berkeley (1975), Davis (1979), Santa Monica (1979), Los Angeles (1980), and the County of Santa Clara (1979).

SUMMARY

The findings of this study are as follows:

1. The percent of families with children who are renters ranged from 28 percent in San Jose, to 55 percent in San Francisco, in every case a significant percentage of all families. For the state as a whole, 30 percent of families with children are renters.

2. A sample survey of newspaper advertisements for available apartments in Los Angeles found that only 14 percent surveyed allowed children with no age restrictions, and 15 percent allowed only certain ages. Thus, 71 percent of the apartment units surveyed allowed no children of any age.

Surveys in Fresno, San Diego, and San Jose found that 53 percent, 65 percent, and 70 percent, respectively, of units surveyed would not allow children of any age.

In contrast, the same type of survey in San Francisco, which has an ordinance prohibiting "no-kid." rentals, found that only 12 percent of units surveyed banned all children.

3. In all cities except San Francisco, the child-exclusion rate was significant even among larger units. In the 4 cities where child discrimination is legal, only 17 to 32 percent of two-bedroom units, and between 24 and 45 percent of three-bedroom units accept children.

4. Exclusion of families with children is being perpetuated in newly constructed rentals. Seventy-four percent of new rental units surveyed in Los Angeles exclude children. By comparison, only 10 percent of new units surveyed in San Francisco exclude children.

5. In every city studied except San Francisco, median rents are higher for equivalent sized units that allow children as compared to those which exclude children.

6. Renter families with children are inadequately housed significantly more often than renters without children. This tendency is true in all of the cities studied as well as for the state as a whole (45 percent of renters with children are inadequately housed, compared to 32 percent of renters without children).

7. Even when income is held constant, families with children are more often inadequately housed than childless renters. Among moderate and upper income renters, the rate of inadequate housing is twice as great for families with children as for those without children.

8. In all cities studied and for the state as a whole, approximately half of all renter families with children are inadequately housed. Between 81 and 98 percent (varies by city) of very low income renters with children are inadequately housed.

9. Holding number of persons per household constant, families with children are inadequately housed more often than other renters. In all cities studied and for the state as a whole, among two-person renter households, families with children are inadequately housed nearly twice as often as families without children.

10. When family size and income are simultaneously held constant for the state as a whole, two-person middle and upper income renter households with children are inadequately housed 10 times more often than their childless counterparts.

11. In all 5 cities, minority and especially female-headed families with children are renters significantly more often than non-minority or male-headed families with children, and thus are affected more severely by all renter housing problems. (It should be noted that although minorities are disproportionately affected by rental housing problems, the majority of inadequately housed renters with children are "white."¹)

12. Exclusion of renters with children from a major portion of the rental market is, in effect, excluding most minorities and women.

13. While minority renter households with children are inadequately housed to a significantly greater degree, minority renters without children do not face housing problems any more often than "white" renters of comparable income.

Similarly, female-headed renter households with children tend to

¹"White" as used here means other than Black or Hispanic. It may include other minority groups which represent smaller portions of the population.

be ill-housed to a greater extent than all other renters with children, while female-headed renter households without children have a level of housing problems identical to other childless renters.

14. Renters with children are concentrated in a number of neighborhoods in each city. These concentrations correlate with concentrations of minorities and women, demonstrating that "no-children" housing tends to reinforce, if not create, segregated living patterns by age, race, and sex.

15. Since families with children make up less than a third of the renter household population, a non-discriminatory housing market would mean that in a representative building, childless renters would outnumber renters with children by at least 2 to 1, thus eliminating the undesirably high concentrations of children revealed by this study.

16. With respect to landlord concerns about decreased property values, the presence or absence of children is not a factor in determining a building's market value.

17. No empirical evidence was found to show that operating and maintenance costs are higher for buildings that allow children.

18. The presence of children in rental buildings does not affect liability or property insurance rates.

19. Building code and safety standards are identical for apartment buildings with and without children. Swimming pool fencing ordinance; apply to all buildings whether or not children are in residence.

ACKNOWLEDGEMENTS

We wish to thank the Rosenberg Foundation for their concern for the welfare of children, and the following hardworking and persistent persons for assisting the project:

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TABLE OF CONTENTS

PREFACE.....	iii
SUMMARY.....	v
ACKNOWLEDGEMENTS.....	ix
LIST OF TABLES, CHARTS, AND MAPS.....	xii
INTRODUCTION.....	1
THE HOUSING SHORTAGE FOR RENTERS WITH CHILDREN.....	3
Low Vacancy Rates.....	3
High Cost of Homeownership.....	3
Exclusion of Families from Existing Rentals.....	5
Data Sources and Methods.....	5
Findings.....	6
Exclusion of Families from Newly-Constructed Rentals.....	7
ECONOMIC IMPACT OF DISCRIMINATION AGAINST CHILDREN.....	11
Higher Rents.....	11
Inadequate Housing Conditions.....	14
Data Sources and Methods.....	14
Findings.....	16
SOCIAL AND PSYCHOLOGICAL IMPACT.....	23
Effect on Children.....	23
Impact on Minority and Female-Headed Households.....	24
Clustering/Segregation.....	29
LANDLORD CONCERNS.....	35
Property Values.....	35
Maintenance Costs.....	35
Insurance Rates.....	37
Building Modifications/Safety Standards.....	37
CONCLUSIONS AND RECOMMENDATIONS.....	39

TABLES

1. Vacancy Rates.....	4
2. Acceptance of Children by Number of Bedrooms.....	8
3. Acceptance of Children by Rent Category.....	12
4. Median Rents by Number of Bedrooms.....	13
5. "Homes Unlimited" Rent Comparison Survey.....	15
6. % of Inadequately Housed Renters by Income Level (With Children Compared to Without Children)*.....	17
7. Inadequate Housing for 2 or More Person HHs by Income (With Children Compared to Without Children)*.....	19
8. % Inadequately Housed Renters by Number of Persons per HH (With Children Compared to Without Children)*.....	20
8a. Summary of State Percentages from Table 8	21
9. % Inadequately Housed 2 Person HHs by Income (With Children Compared to Without Children)*.....	22
10. Renters With Children as a % of Total HHs With Children by Racial, Ethnic and Female-Headed HHs*.....	28
11. % Inadequately Housed Minority and Female-Headed Renter HHs Compared to Total "White" Renters by Income (With and Without Children)*.....	30
12. Concentrations of Renters With Children Correlated With Concentrations of Minorities and Female-Headed HHs*.....	32

* Source:

1970 U. S. Census of Housing and Population
Bureau of the Census/HUD Annual Housing Surveys (1975, 1977, 1978)
1979 Housing Assistance Plans for the Cities of Fresno, Los Angeles,
San Diego, San Francisco, and San Jose
1979 California Statewide Housing Plan

CHARTS

1. Statewide % of Black Renter HHs with Children.....	25
2. Statewide % of Hispanic Renter HHs with Children.....	26
3. Statewide % of Female-Headed Renter HHs with Children.....	27

SURVEY FORMS (APPENDIX A)

1. Children OK.....	43
2. No Children.....	44
3. Age Restrictions.....	45

MAPS (APPENDIX B)

1. Age Clustering - City of Fresno.....	48
2. Age Clustering - City of Los Angeles.....	49
3. Age Clustering - City of San Diego.....	50
4. Age Clustering - City of San Francisco.....	51
5. Age Clustering - City of San Jose.....	52

"Children's issues are not 'kiddie' issues--they are issues of social justice and the wider social welfare of the nation."

--Kenneth Keniston

INTRODUCTION

This report presents the results of a 1979 study on the extent and effects of discrimination against families with children in rental housing in California. Five cities were selected for study: Fresno, Los Angeles, San Diego, San Francisco and San Jose.¹ These cities represent all areas of the state and together comprise more than 30 percent of the state's population. In addition, data for the state as a whole were extensively analyzed.

The data presented are based on analysis of U.S. census materials, local "mid-decade" censuses, local housing surveys and plans, and original survey research.

¹ At the time of the study, San Francisco was the only city of these 5 that prohibited housing discrimination against families with children. Los Angeles passed a similar fair housing law in 1980.

Originally this project covered 6 cities, but Redding was dropped because census and housing survey information necessary to develop the tabulations shown in the report are not available for cities of that size outside Standard Metropolitan Statistical Areas (SMSA's).

THE HOUSING SHORTAGE FOR RENTERS WITH CHILDREN

Several factors have contributed to the housing crisis facing California renters with children. Among these are: 1) low vacancy rates; 2) high cost of home ownership; 3) exclusion of families from existing rentals; and 4) exclusion of families from newly-constructed rentals.

Low Vacancy Rates

A healthy rental vacancy rate is considered to be between 5 and 6 percent. Such a rate is high enough to allow people opportunities to move and to allow for the absorption of population growth and new household formation, but is low enough to allow owners of rental property to meet their costs.

Table 1 shows vacancy rates for the State of California and the 5 target cities. The state overall has an extremely low vacancy rate, less than half the "healthy" 5 percent. The low vacancy situation in rentals has been exacerbated by the low level of new construction of rental units and by condominium conversions, which reduce the available rental stock.

In such low vacancy situations renters must compete for available units, with the result that "less desirable" tenants, such as families with children, are excluded from major portions of the market. This exclusion cuts the true vacancy rate for the excluded class to a fraction of the overall vacancy rate. In Los Angeles, for example, where the overall renter vacancy rate is 2.6%, the effective vacancy rate for families with children is less than eight-tenths of one percent.

In San Jose, where the renter vacancy rate is at a healthy level (5.4%), the effective vacancy rate for families with children is only 1.6%.

High Cost of Homeownership

An ever-increasing percentage of families with children in California are renters. To a large degree this shift toward renting is a result of the high cost of homeownership.

Table 1

VACANCY RATES

	<u>Overall</u>	<u>Owner</u>	<u>Renter</u>
State of California	3.2%	N.A.	N.A.
City of Fresno	1.6%	1.3%	2.0%
City of Los Angeles	2.5%	2.3%	2.6%
City of San Diego	3.9%	4.1%	3.7%
City of San Francisco	2.4%	0.4%	3.4%
City of San Jose	3.5%	2.6%	5.4%

Source: 1979 Housing Assistance Plans for the five cities
1979 California Statewide Housing Plan

According to the California Department of Housing and Community Development, in 1979 the median sales price of a single-family home in California was between \$90,000 and \$100,000. Few families can afford the traditional option of buying a home in which to raise a family because although the median value of a home rose by 220 percent in the past 9 years, the median income of a household rose by only 98 percent during the same period.

In another example, the SCAG¹ Regional Housing Element found that while a middle-income family (\$10,000/year) in 1970 could afford to buy about half the homes in the state, in 1977 the equivalent-income family (\$15,000/year) could afford less than 15 percent of those homes.

Exclusion of Families with Children from Existing Rental Units

Data Sources and Methods - To document the problem of exclusion of families with children, a survey of 5 California cities was used. The survey was conducted on two dates, approximately one month apart, in each city. Using rental listings in the major newspapers in each city, surveyors called the available rentals as if they were seeking to rent the units and asked whether children were allowed. The results were tallied by rent levels, by number of bedrooms, by whether the apartment was furnished or unfurnished, and by number of units in the building. A copy of the survey instruments are included in Appendix A. The results were used to determine child-exclusion rates and types of age restrictions.

In addition to this survey, an earlier survey of 10,000 Los Angeles rentals was used to compare rents on apartments which allow children to those which prohibit children.

Newspaper surveys have been used by a variety of agencies to determine rental rates, costs and availability. The Southern California Association of Governments, U.S. Department of Housing and Urban Development, public housing agencies and city planning departments are among the groups who have found newspaper rental listings to be an excellent source of housing market data. Furthermore, not only are newspaper advertisements

¹ Southern California Association of Governments

the most frequently used information source for active searchers, they also prove to be the most effective means for most who obtain housing.¹

Findings - The survey conducted for this study found that children are excluded from the majority of rental units in every city studied, except San Francisco where "adults only" rentals are prohibited by local ordinance:

	<u>Accept Children</u>	<u>No Children</u>	<u>Age Restrictions</u>
Fresno	24%	53%	23%
Los Angeles	14%	71%	15%
San Diego	23%	65%	13%
San Francisco	86%	12%	2%
San Jose	22%	70%	8%

Thus, in all of the cities where exclusion of children is allowed, less than one-fourth of all rentals allow children of any age. Even including buildings with age restrictions, less than one-half of the units surveyed allow children.

The problem is most severe in San Jose, San Diego, and Los Angeles, where 70, 65, and 71 percent, respectively, of rentals allow no children of any age.

In contrast, the same type of survey in San Francisco, where local ordinance prohibits "no-kids" rentals, found that only about 12 percent of rentals surveyed banned all children, and only 2 percent placed age restrictions on tenant children.

The San Diego survey results are matched almost perfectly by a study performed by the San Diego Apartment Owners Association which found that only 34 percent of San Diego City rentals allow children.

¹ Kevin F. McCarthy, Housing Search and Mobility, The Rand Corporation, R-2451-HUD, September 1979. (Note: The Rand study suggests that illegal racial discrimination may cause some low-income searchers in racially mixed areas to depend more on friends and relatives as information sources rather than on newspapers. That theory, if true, would only apply to one survey--San Francisco's--because discrimination against children is neither illegal nor covert in the other 4 cities studied.)

Table 2 shows the same survey results tabulated by number of bedrooms in the unit. The exclusion rate remains high even in the units which by any standard should be large enough to accommodate families with children. The vast majority (about 75%) of renter families with children have only one or two children, and would therefore need a two-bedroom or smaller unit. Yet only about one-fourth of the two-bedroom units surveyed accept children without restrictions. In San Jose and Los Angeles over 70 percent of the two-bedroom rentals prohibit children of any age.

Even among three or more bedroom units, which should accommodate families, the majority of available rentals in every city studied, except San Francisco, either accepted no children or imposed age restrictions. In San Jose, Fresno, and Los Angeles, only 38, 35, and 24 percent, respectively, of three-bedroom rentals allow children.

The argument is often made that many buildings must exclude children because the available units are not appropriate for family use. The results of the survey indicate that, while the larger rentals do allow children somewhat more often than the smaller units, the exclusion rate is high even among rentals which would be considered "appropriate" for family tenancy. In this regard it is also interesting to note that in 3 of the 5 cities surveyed efficiency (or zero-bedroom) units are more likely to be available to families with children than are one-bedroom units, a situation which clearly does not support the "appropriateness" argument.

Exclusion of Families from Newly-Constructed Rentals

The argument is often made that the housing problems of families with children could be solved by simply building more rental units. While more rental construction is clearly a partial solution in that it eases pressure on the rental market, it does not appear to be the answer, or even a major component of the answer to the problem.

A survey was conducted of newly completed rentals in Los Angeles City, using building permits issued in 1977 to insure that the units involved had been completed and were occupied at the time of the survey in September 1979.

Table 2

ACCEPTANCE OF CHILDREN BY NUMBER OF BEDROOMS

<u>No. of Bedrooms</u>	<u>Accept Children</u>		<u>No Children</u>		<u>Age Restricted</u>		<u>Total</u>	
	#	%	#	%	#	%	#	%
<u>Fresno</u>								
0	1	7.7%	12	92.3%	0	0	13	100.0%
1	18	9.9%	133	73.5%	30	16.6%	181	100.0%
2	99	32.4%	125	40.8%	82	26.8%	306	100.0%
3+	6	35.3%	6	35.3%	5	29.4%	17	100.0%
Total	<u>124</u>	<u>24.0%</u>	<u>276</u>	<u>53.3%</u>	<u>117</u>	<u>22.6%</u>	<u>517</u>	<u>100.0%</u>
<u>Los Angeles</u>								
0	6	12.2%	38	77.6%	5	10.2%	49	100.0%
1	34	9.0%	283	74.7%	62	16.4%	379	100.0%
2	64	17.4%	264	71.9%	39	10.6%	367	100.0%
3+	26	24.3%	54	50.5%	27	25.2%	107	100.0%
Total	<u>130</u>	<u>14.4%</u>	<u>639</u>	<u>70.8%</u>	<u>133</u>	<u>14.7%</u>	<u>902</u>	<u>100.0%</u>
<u>San Diego</u>								
0	18	20.5%	63	71.6%	7	8.0%	88	100.0%
1	76	17.0%	306	68.6%	64	14.3%	446	100.0%
2	90	27.9%	198	61.3%	35	10.8%	323	100.0%
3+	19	45.2%	17	40.5%	6	14.3%	42	100.0%
Total	<u>203</u>	<u>22.6%</u>	<u>584</u>	<u>65.0%</u>	<u>112</u>	<u>12.5%</u>	<u>899</u>	<u>100.0%</u>
<u>San Francisco</u>								
0	72	90.0%	8	10.0%	0	0	80	100.0%
1	145	78.8%	33	17.9%	6	3.3%	184	100.0%
2	110	92.4%	9	7.6%	0	0	119	100.0%
3+	41	95.3%	0	0	2	4.7%	43	100.0%
Total	<u>368</u>	<u>86.4%</u>	<u>50</u>	<u>11.7%</u>	<u>8</u>	<u>1.9%</u>	<u>426</u>	<u>100.0%</u>
<u>San Jose</u>								
0	5	9.4%	47	88.7%	1	1.9%	53	100.0%
1	17	18.1%	72	76.6%	5	5.3%	94	100.0%
2	37	25.2%	103	70.1%	7	4.8%	147	100.0%
3+	12	37.5%	6	18.8%	14	43.8%	32	100.0%
Total	<u>71</u>	<u>21.8%</u>	<u>228</u>	<u>69.9%</u>	<u>27</u>	<u>8.3%</u>	<u>326</u>	<u>100.0%</u>

Source: Fair Housing Project Survey, 1979

A total of 3,148 units were surveyed, representing a sample of one-third of the rental building permits issued by Los Angeles in 1977. They include permits issued from all district offices. The findings are as follows:

Total Units Surveyed	3,148
Number converted to condominium	354
Condominiums allowing children	79 (22%)
Adults-only condominiums	275 (78%)
Number available for rent	2,794
Rentals allowing children	728 (26%)
Adults-only rentals	2,066 (74%)

Thus only about one-fourth of the new rental units in Los Angeles are available to families with children. The exclusion of families with children in the rental market is being perpetuated in new construction. New units are therefore not alleviating the problems faced by renters with children in Los Angeles.

By contrast, in San Francisco a study of 493 units revealed that only 10 percent of new units prohibited children. Also, none of the condominium conversions in San Francisco excluded children, as compared to 78 percent in Los Angeles. The findings were:

Total Units Surveyed	493
Number converted to condominiums	147
Condominiums allowing children	147 (100%)
Adults-only condominiums	0
Number available for rent	346
Rentals allowing children	311 (90%)
Adults-only rentals	35 (10%)

Clearly, San Francisco's ban on rental discrimination against children has had a positive effect on the availability of new rental units to families. A secondary effect appears to be the carry-over of nondiscriminatory policies from apartments to condominiums.

ECONOMIC IMPACT OF DISCRIMINATION
AGAINST RENTERS WITH CHILDREN

Renters with children, as a class, are in the curious position of paying the price of their own exclusion. As explained by economist Claude Elias, "...the fact that families with children are arbitrarily excluded from certain units represents a limitation to their choice of units, and so to that extent, they pay the cost of that arbitrary restriction."¹

Higher Rents

The same survey discussed earlier found that rentals which allow children tend to command a higher rent than those which exclude children.

Table 3 shows the survey results in each rent category. With the exception of San Francisco where an ordinance prohibits discrimination against families with children in rental housing, the most expensive units (rents of \$450 per month and over) are most likely to rent to families with children.

Table 4 shows the median rent by bedroom size for rentals which allow, exclude, or restrict children. No clear pattern is evident for units that restrict children. However, comparing units which accept children to those which absolutely exclude children, in every case except San Francisco, median rents are higher for equivalent sized units that allow children. Rents are generally between \$20 and \$30 more per month higher for equivalent units that allow children, with the smaller difference being in one-bedroom rentals in Fresno, where buildings which allow children had the same median rents as "no-children" buildings. The biggest difference is in three-or-more bedroom units in Los Angeles where rentals that allow children have median rents \$97 higher than similar sized units which exclude children.

¹ Testimony of Dr. Claude Elias, Jr., President, Real Estate Research Council of Southern California, in the case of Marina Pt. Ltd. vs. Wolfson, Culver City Municipal Court, June 16, 1979.

Table 3
ACCEPTANCE OF CHILDREN BY RENT CATEGORY

Rent Category	Accept Children		No Children		Age Restricted		Total	
	#	%	#	%	#	%	#	%
Fresno								
0 - 149	5	12.8%	33	84.6%	1	2.6%	39	100%
150 - 249	96	25.7%	191	51.2%	86	23.0%	373	100%
250 - 349	17	20.5%	44	53.0%	22	26.5%	83	100%
350 - 449	6	27.2%	8	36.4%	8	36.4%	22	100%
450+	0	-	0	-	0	-	0	-
Total	124	24.0%	276	53.3%	117	22.6%	517	100%
Los Angeles								
0 - 149	3	60.0%	2	40.0%	0	-	5	100%
150 - 249	16	13.2%	87	71.9%	18	14.3%	121	100%
250 - 349	32	10.2%	246	78.1%	37	11.7%	315	100%
350 - 449	42	14.6%	192	66.9%	53	18.5%	287	100%
450+	37	21.3%	112	64.4%	25	14.4%	174	100%
Total	130	14.4%	639	70.8%	133	14.7%	902	100%
San Diego								
0 - 149	1	9.1%	10	90.9%	0	-	11	100%
150 - 249	122	23.0%	318	59.9%	91	17.1%	531	100%
250 - 349	64	21.3%	217	72.1%	20	6.6%	301	100%
350 - 449	12	27.9%	30	69.8%	1	2.3%	43	100%
450+	4	30.8%	9	69.2%	0	-	13	100%
Total	203	22.6%	584	65.0%	112	12.5%	899	100%
San Francisco								
0 - 149	10	100.0%	0	-	0	-	10	100%
150 - 249	52	83.9%	8	12.9%	2	3.2%	62	100%
250 - 349	96	94.1%	6	5.9%	0	-	102	100%
350 - 449	81	91.0%	8	9.0%	0	-	89	100%
450+	129	79.1%	28	17.2%	6	3.7%	163	100%
Total	368	86.4%	50	11.7%	8	1.9%	426	100%
San Jose								
0 - 149	0	-	1	100.0%	0	-	1	100%
150 - 249	19	19.4%	74	75.5%	5	5.1%	98	100%
250 - 349	40	23.8%	120	71.4%	8	4.8%	168	100%
350 - 449	9	17.3%	30	57.7%	13	25.0%	52	100%
450+	3	42.9%	3	42.9%	1	14.3%	7	100%
Total	71	21.8%	228	69.9%	27	8.3%	326	100%

Source: Fair Housing Project Survey, 1979

Table 4

MEDIAN RENTS BY NUMBER OF BEDROOMS*

<u>No. of Bedrooms</u>	<u>Accept Children</u>	<u>No Children</u>	<u>Age Restricted</u>
Fresno			
0	N.A.	\$125	N.A.
1	\$185	\$185	\$187
2	\$218	\$226	\$207
3+	\$337	\$275	\$200
Overall Median	\$214	\$209	\$207
Los Angeles			
0	N.A.	\$404	\$313
1	\$338	\$328	\$297
2	\$366	\$347	\$411
3+	\$515	\$418	\$438
Overall Median	\$380	\$348	\$371
San Diego			
0	\$232	\$183	\$217
1	\$233	\$222	\$221
2	\$273	\$248	\$239
3+	\$325	\$316	\$316
Overall Median	\$246	\$239	\$228
San Francisco			
0	\$218	\$263	N.A.
1	\$339	\$463	N.A.
2	\$455	\$525	N.A.
3+	\$514	N.A.	N.A.
Overall Median	\$381	\$460	N.A.
San Jose			
0	\$204	\$225	N.A.
1	\$267	\$246	\$239
2	\$309	\$298	\$292
3+	\$375	\$366	\$382
Overall Median	\$296	\$276	\$352

*unfurnished units

Source: Fair Housing Project Survey, 1979

It is noteworthy that in San Francisco, where over 85 percent of all units surveyed allow children, rents tended to be higher for buildings that prohibit children, placing the cost of illegal discrimination on those practicing discrimination rather than on the excluded class.

The findings of this survey are further supported by earlier surveys of more than 10,000 units in Los Angeles. Table 5 compares average rents for restricted vs. not-restricted buildings from that survey. Again, particularly among the larger bedroom sites, rentals which allowed children were significantly more expensive than those which did not.

Inadequate Housing Conditions

Having established that there is widespread discrimination against families with children in rental housing and that the restricted market is forcing families to pay higher rents, the study sought to examine additional effects of this discrimination. For example, if families with children could afford to pay more for housing or if the available stock, although limited, was sufficient to accommodate the need for family rental housing, then the discrimination problem could be said to have insignificant economic impacts. Consequently, the study compared inadequate housing conditions for renter families with children to those without children using federal and California state definitions of inadequate housing:

- overpaying: paying more than 25% of gross income for rent
- overcrowding: more than 1.01 persons per room
- substandard: living in a unit which lacks one or more essential systems (plumbing, heating, etc.) or has a major defect or combination of defects which make the unit unsafe or unsanitary

The study found consistently that renters with children are inadequately housed more often than those without children.

Data Sources & Methods - The study of the effects of discrimination is based on analysis using the following data sources:

- U.S. Census of Housing and Population, special cross-tabulations
- local "mid-decade" censuses and housing surveys to update census materials in each of the 5 cities

Table 5

"HOMES UNLIMITED" SURVEY
(LOS ANGELES)

	1976 1746 Listings			1977 2689 Listings			1978 6059 Listings			Total 10,494 Listings		
	No.	%	Avg. Rent	No.	%	Avg. Rent	No.	%	Avg. Rent	No.	%	Avg. Rent
"ACCEPT CHILDREN"	440	25.2%	\$390	985	36.6%	\$468	1817	29.9%	\$471	3242	30.9%	\$460
Single	7		204	25		181	59		201	91		196
1 Bedroom	73		223	93		257	182		292	348		268
2 "	223		365	520		463	960		454	1703		445
3 "	119		500	327		561	560		559	1006		553
4 "	13		690	20		635	53		753	86		716
5+ "	5		775	-		-	3		875	8		813
"NO CHILDREN"	678	38.8%	\$252*	1077	40.0%	\$321	2529	41.7%	\$331	4284	40.8%	\$316
Single*	170		157	234		193	520		205	924		193
1 Bedroom	242		206	439		282	1077		301	1758		283
2 "	245		350	372		431	864		434	1481		419
3 "	18		406	31		561	66		472	115		486
4 "	3		423	-		-	2		380	5		405
5+ "	-		-	-		-	-		-	-		-
"WILL CONSIDER"***	409	23.4%	\$375	495	18.4%	\$395	1271	20.9%	\$425	2175	20.7%	\$418
Single	5		177	17		182	51		200	73		194
1 Bedroom	90		229	68		288	263		300	421		283
2 "	217		371	295		433	695		435	1202		423
3 "	100		524	108		562	251		560	459		552
4 "	2		425	7		639	11		758	20		683
5+ "	-		-	-		-	-		-	-		-

* The average rents shown on the Table includes all sizes of apartments; but because some "singles" are not suitable for families, rents have been refigured for averages without singles: 1976 - \$284; 1977 - \$357; 1978 - \$363; Total - \$349. Even not counting singles, average rents for apartments refusing children are significantly lower than those accepting.

** A small number of listings (5 - 7%) indicate that they will accept or will consider children on an age-restricted basis, usually infants or older teenagers.

SOURCE: Brief of Amicus Curiae Fair Housing for Children Coalition, Wolfson v. Marina Point, Ltd., Los Angeles County Superior Court, September 18, 1978.

-- The Census/HUD Annual Housing Survey for San Francisco, San Diego, and Los Angeles

-- The California Statewide Housing Plan and other materials supplied by the California Department of Housing and Community Development (HCD)

Findings - For the State of California as a whole, 45% of renters with children are inadequately housed, as compared to 32% of renters without children.¹

A similar comparison held true for each of the five cities studied. To summarize:

<u>City</u>	<u>Percent of Renters Inadequately Housed</u>	
	<u>With Children</u>	<u>Without Children</u>
State of California	45%	32%
Fresno	46%	35%
Los Angeles	49%	35%
San Diego	48%	42%
San Francisco ²	50%	38%
San Jose	51%	41%

Holding income constant, the results are even more striking. Table 6 compares inadequate housing by income group. Low income is here defined as income below \$15,000 per year (or about 80% of the statewide median); moderate income is \$15,000 - \$22,499 (or 80 - 120% of the statewide median); and upper income is defined as \$22,500 and up. These are standard State of California definitions.

¹ Note that in this comparison and all subsequent comparisons of inadequate conditions the data presented are for households with two or more persons. Since single-person households do not have children, they do not provide a valid comparison to households with children, and therefore were excluded from the analysis.

² Please note that statistics on inadequate housing for San Francisco are not current enough to reflect any changes caused by the local anti-discrimination ordinance, and in any case the ordinance has not been in effect long enough to affect the overall living patterns in that city as reflected in this analysis.

Table 6

PERCENT OF INADEQUATELY-HOUSED RENTERS BY INCOME LEVEL
(RENTERS WITH CHILDREN COMPARED TO RENTERS WITHOUT CHILDREN)

	<u>Low Income</u>	<u>Moderate Income</u>	<u>Upper Income</u>
<u>State of California</u>			
With Children	63%	13%	12%
Without Children	53%	6%	5%
<u>City of Fresno</u>			
With Children	56%	12%	6%
Without Children	47%	3%	*
<u>City of Los Angeles</u>			
With Children	65%	22%	14%
Without Children	56%	7%	4%
<u>City of San Diego</u>			
With Children	62%	16%	8%
Without Children	49%	5%	2%
<u>City of San Francisco</u>			
With Children	68%	21%	13%
Without Children	64%	11%	5%
<u>City of San Jose</u>			
With Children	71%	20%	12%
Without Children	65%	6%	2%

* Less than 1%.

As Table 6 shows, the majority of low income renters in California face some housing inadequacies. However, it is consistently found that all income renters with children are more often inadequately housed than those without children.

Among moderate and upper income renters who should be able to function adequately in the housing market, a substantial percentage of families with children continue to be inadequately housed, while less than half as great a percentage of renters without children face these problems. In three of the 5 cities, Los Angeles, San Jose and San Francisco, more than 20 percent of moderate income renters with children are inadequately housed. Even for upper incomes, for the state as a whole and for three of the 5 cities surveyed, more than 12 percent are inadequately housed. This compares to between 2 and 5 percent of renters without children.

It is evident, therefore, that insufficient rentals are available to families with children at all incomes, and that even those families who, by virtue of their income, could be expected to be able to obtain decent housing at affordable rents, are forced to overpay or overcrowd in order to be housed.

Table 7 details the findings by income group. It shows that holding income constant, families with children are consistently more often inadequately housed than renters without children.

Inadequate housing conditions were also compared holding family size constant in order to investigate whether renters with children were overpaying and overcrowding more often than childless renters because of the greater number of people in the household. Table 8, therefore, shows inadequate housing conditions by number of persons per household. Consistently, renters with children are less well-housed than other renters. For the state as a whole, among two-person households, renter families with children are inadequately housed nearly twice as often as those without children, as shown by Table 8a:

Table 7

INADEQUATE HOUSING CONDITIONS FOR TWO OR MORE PERSON HOUSEHOLDS BY INCOME
(RENTERS WITH CHILDREN COMPARED TO RENTERS WITHOUT CHILDREN)

	Renters With Children			Renters Without Children		
	Total (In Thousands)	Inadequately Housed (In Thousands)	Percent Inadequately Housed	Total (In Thousands)	Inadequately Housed (In Thousands)	Percent Inadequately Housed
<u>State of California</u>						
Income						
\$0-\$ 7,499	292.4	284.0	97%	282.8	232.6	82%
\$ 7,500-\$14,999	431.8	173.4	40%	394.0	127.8	32%
\$ 15,000-\$22,499	270.7	35.9	13%	300.5	16.6	6%
\$ 22,500-\$34,999	98.0	12.3	12%	158.1	9.2	6%
\$ 35,000 and up	29.1	2.9	10%	63.6	2.6	4%
Total	1122.0	508.5	45%	1199.0	388.8	32%
<u>City of Fresno</u>						
Income						
\$0-\$ 7,499	5.7	4.6	81%	4.9	3.8	78%
\$ 7,500-\$14,999	6.0	2.0	33%	5.8	1.2	21%
\$ 15,000-\$22,499	2.5	0.3	12%	2.6	0.1	3%
\$ 22,500-\$34,999	0.8	*	5%	0.8	*	1%
\$ 35,000 and up	0.4	*	7%	0.5	0.0	0%
Total	15.4	7.0	46%	14.6	5.1	35%
<u>City of Los Angeles</u>						
Income						
\$0-\$ 7,499	50.5	46.6	92%	47.4	41.2	87%
\$ 7,500-\$14,999	72.3	33.8	47%	65.1	31.4	48%
\$ 15,000-\$22,499	42.5	9.5	22%	46.0	1.4	3%
\$ 22,500-\$34,999	17.1	2.5	14%	18.9	6.8	36%
\$ 35,000 and up	17.2	1.2	7%	13.7	0.4	3%
Total	122.7	93.6	76%	191.1	67.2	35%
<u>City of San Diego</u>						
Income						
\$0-\$ 7,499	12.7	12.3	97%	13.2	12.4	94%
\$ 7,500-\$14,999	19.4	8.3	43%	25.0	10.0	40%
\$ 15,000-\$22,499	9.7	1.6	16%	11.0	0.6	5%
\$ 22,500-\$34,999	2.7	0.2	7%	3.8	0.1	2%
\$ 35,000 and up	1.8	0.1	7%	2.2	0.1	2%
Total	46.8	22.5	48%	55.2	23.2	42%
<u>City of San Francisco</u>						
Income						
\$0-\$ 7,499	10.8	10.5	96%	15.1	13.6	90%
\$ 7,500-\$14,999	16.1	9.3	57%	23.1	10.8	47%
\$ 15,000-\$22,499	12.2	2.7	22%	18.0	2.0	11%
\$ 22,500-\$34,999	5.6	0.9	15%	9.4	0.6	6%
\$ 35,000 and up	3.6	0.4	11%	6.0	0.1	2%
Total	48.3	23.9	50%	71.6	27.0	38%
<u>City of San Jose</u>						
Income						
\$0-\$ 7,499	6.5	6.4	98%	5.5	5.3	96%
\$ 7,500-\$14,999	11.4	6.7	59%	8.9	4.0	45%
\$ 15,000-\$22,499	8.0	1.6	20%	5.8	0.3	6%
\$ 22,500-\$34,999	2.7	0.4	14%	2.1	*	2%
\$ 35,000 and up	1.4	0.1	6%	1.0	*	2%
Total	29.9	15.2	51%	23.4	9.7	42%

* less than 0.1%

Table 8
 PERCENT OF INADEQUATELY HOUSED RENTERS BY NUMBER OF PERSONS PER HOUSEHOLD
 (RENTERS WITH CHILDREN COMPARED TO RENTERS WITHOUT CHILDREN)

Household Size	Renters With Children			Renters Without Children		
	Total Households (In 1000's)	Inadequately Housed (In 1000's)	Percent	Total Households (In 1000's)	Inadequately Housed (In 1000's)	Percent
<u>State of California</u>						
2 persons	88.5	57.1	65%	1009.1	338.8	34%
3-4 persons	664.2	248.7	37%	175.5	42.3	24%
5 or more persons	369.3	202.7	55%	14.4	7.7	54%
Total	1122.0	508.5	45%	1199.0	388.8	32%
<u>City of Fresno</u>						
2 persons	1.1	0.8	74%	11.7	4.5	39%
3-4 persons	7.9	3.1	39%	2.7	0.5	20%
5 or more persons	6.4	3.1	48%	0.2	0.1	46%
Total	15.4	7.0	46%	14.6	5.1	35%
<u>City of Los Angeles</u>						
2 persons	19.0	12.4	65%	165.2	57.3	35%
3-4 persons	114.7	45.4	40%	24.5	9.2	38%
5 or more persons	59.0	35.8	61%	1.4	0.7	51%
Total	192.7	93.6	49%	191.1	67.2	35%
<u>City of San Diego</u>						
2 persons	2.8	2.0	71%	32.5	13.2	41%
3-4 persons	20.8	9.1	44%	6.0	2.7	44%
5 or more persons	9.8	5.0	51%	0.9	0.5	50%
Total	33.4	16.1	48%	39.4	16.4	42%
<u>City of San Francisco</u>						
2 persons	4.2	3.2	77%	59.0	22.4	38%
3-4 persons	27.8	12.3	44%	11.7	4.1	35%
5 or more persons	16.3	8.5	53%	0.9	0.5	50%
Total	48.3	23.9	50%	71.6	27.0	38%
<u>City of San Jose</u>						
2 persons	1.7	1.3	73%	18.5	7.2	39%
3-4 persons	17.7	7.7	43%	4.3	2.1	48%
5 or more persons	10.5	6.3	60%	0.6	0.3	50%
Total	29.9	15.2	51%	23.4	9.6	41%

Note: Totals and percents may not compute exactly as shown due to rounding.

Table 8a
SUMMARY OF STATE PERCENTAGES FROM TABLE 8

<u>Persons per Household</u>	<u>Percent Inadequately Housed Renters</u>	
	<u>With Children</u>	<u>Without Children</u>
2	65	34
3-4	37	24
5+	<u>55</u>	<u>54</u>
Total	45	32

These results are consistent among the 5 cities studied. Clearly, therefore, the greater problem faced by families with children does not result from their larger size. In this regard it is also noteworthy that two-person renter families with children are ill-housed (65% statewide) more often than large (5+ person) families with children (55% inadequately housed statewide).

Finally, Table 9 holds both income and family size constant for renters with and without children. At every income and for all areas studied, renters with children are more often inadequately housed. Again, the most striking comparison is among middle and upper income households. For the state as a whole, Table 10 shows that of two-person households with incomes above \$15,000 per year, families who should, by income and family size standards, have available to them the majority of rental units, experience inadequate housing 10 times as often as the percentage of renters with no children.

With all other factors held constant, the renter with a child is, therefore, much more likely to overpay, overcrowd, or live in substandard conditions than the all-adult household.

Table 9

PERCENT OF INADEQUATELY HOUSED TWO-PERSON HOUSEHOLDS BY INCOME
(RENTERS WITH CHILDREN COMPARED TO RENTERS WITHOUT CHILDREN)

	\$0 to <u>\$7,499</u>	\$7,500 to <u>\$14,999</u>	\$15,000 to <u>\$22,499</u>	\$22,500 to <u>\$34,999</u>	\$35,000 or more	<u>Total</u>
<u>State of California</u>						
Two-Person Renters						
With Children	95%	44%	33%	30%	17%	64%
Without Children	87%	36%	4%	3%	1%	34%
<u>City of Fresno</u>						
Two-Person Renters						
With Children	83%	34%	8%	0%	0%	65%
Without Children	78%	22%	1%	1%	0%	39%
<u>City of Los Angeles</u>						
Two-Person Renters						
With Children	89%	62%	18%	12%	2%	65%
Without Children	85%	30%	6%	3%	1%	35%
<u>City of San Diego</u>						
Two-Person Renters						
With Children	89%	50%	40%	13%	0%	71%
Without Children	86%	25%	2%	6%	2%	40%
<u>City of San Francisco</u>						
Two-Person Renters						
With Children	100%	50%	40%	12%	2%	77%
Without Children	90%	45%	9%	5%	0%	38%
<u>City of San Jose</u>						
Two-Person Renters						
With Children	100%	60%	8%	0%	0%	73%
Without Children	84%	46%	3%	*	0%	39%

*less than 1%

SOCIAL AND PSYCHOLOGICAL IMPACT

In addition to economic burdens, there are other negative effects associated with housing discrimination against children. Among these are psychological damage to children, de facto discrimination against a large percentage of women and minorities,¹ and segregation by age, race, and sex.

Effect on Children

"Since every human being depends upon his cumulative experiences with others for cues as to how he should view and value himself, children who are consistently rejected understandably begin to question and doubt whether they, their family, and their group really deserve no more respect from the larger society than they receive."

--Kenneth B. Clark, Dark Ghetto:
Dilemmas of Social Power, 1965

"The problems children face as public liabilities are related directly to the way our larger economic and political system operates. It is a system that is making life harder in our schools, our communities, and our families. It threatens not only our children's humanity, but the possibilities of their being able to live as citizens in a political democracy."

--Will Riggan, "Children as Social
Liabilities: Working Paper #9,"
Childhood and Government Project,
UC Berkeley, 1976

¹ California's Unruh Civil Rights Act and Rumford Fair Housing Act collectively protect renters from discrimination based on race, religion, national origin, ancestry, sex, marital status, and physical disability. The courts have extended these protections to unmarried couples, homosexuals, men with long hair, and persons of "unusual" political views. However, as now interpreted, it is perfectly legal under state law to refuse to rent to any person who has a child. This legal loophole is being challenged by a couple who were evicted for having a baby in an adults-only complex. Their case, *Wolfson v. Marina Point, Ltd.*, is on appeal before the California Supreme Court.

According to sociology researcher Dr. Susan Robbins, "It is clear from these and other psychological and sociological studies that discrimination against children can result in grave damage to the essential social structures upon which society depends--the family, the socialization of the young, and the integrated social structure as a whole."

Impact on Minority and Female-Headed Households

Black, Hispanic and female-headed families with children are renters more often than "white"¹ or male-headed families with children. Consequently, they are more deeply affected by any problems related to rental housing. Charts 1-3 show that, statewide, a major percentage of minority renters (41% for Blacks, 54% for Hispanics) and female-headed renter families (62%) have children.²

Table 10 compares minority and female-headed households to total and "white" households with children as to the percent who are renters. So, for example, in Fresno where 36% of all families with children are renters and only 30% of "white" families with children are renters, as many as 57% of Black, 47% of Hispanic, and 72% of female-headed families with children are renters. Thus, in Fresno, Blacks with children rent nearly twice as often as "whites," and female-headed households are renters twice as often as families with children overall.

In all 5 cities, a far greater percentage of minority and female-headed families with children are renters than is true of non-minority or male-headed families.

From this data alone it is apparent that exclusion of families with children also tends to exclude minorities and female-headed families.

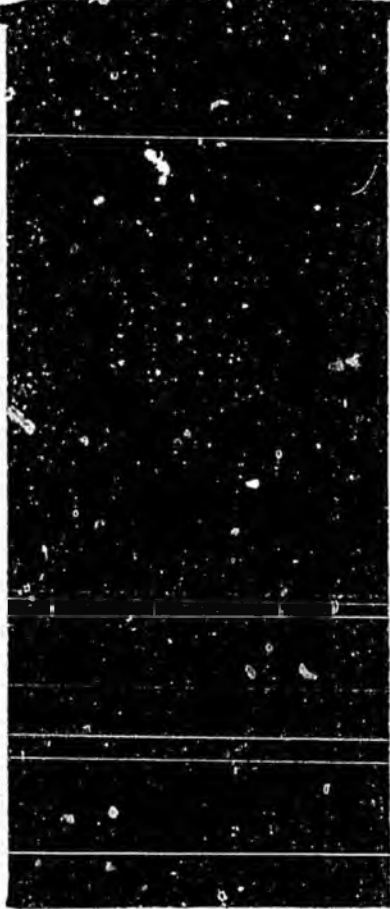
¹ "White" as used here means other than Black or Hispanic. It may include other minority groups which represent smaller portions of the population.

² Although each chart includes all households which fit the category description, some households fall into more than one category, e.g., some Black renter households are also female-headed. Therefore, the categories cannot be added together to obtain a grand total.

CALIFORNIA RENTERS

FEMALE
TOTAL

FEMALE
WITH
CHILDREN



616,200

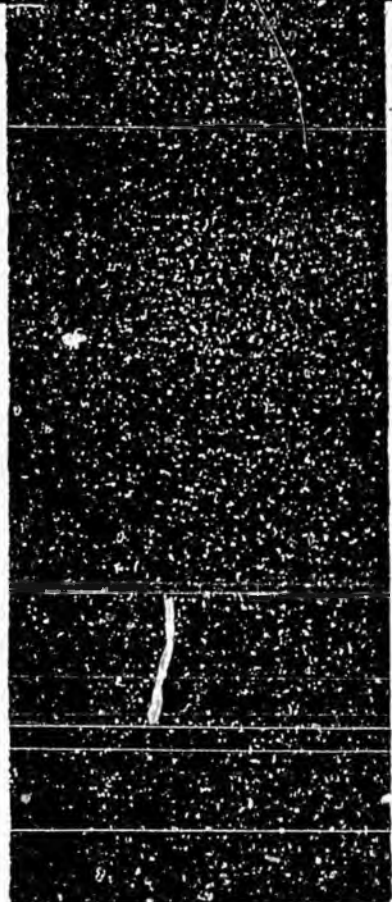


384,800

CALIFORNIA RENTERS

HISPANIC
TOTAL

HISPANIC
WITH
CHILDREN



517,000



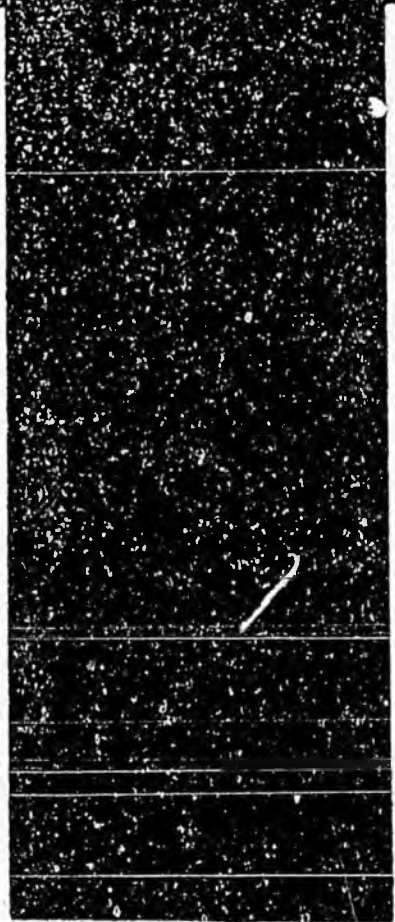
278,000

Source: California Department of Housing & Community Development, July 1978

CALIFORNIA RENTERS

BLACK
TOTAL

BLACK
WITH
CHILDREN



399,000



165,000

Table 10

RENTERS WITH CHILDREN AS A PERCENT OF TOTAL HOUSEHOLDS WITH CHILDREN
BY RACIAL, ETHNIC AND FEMALE-HEADED HOUSEHOLDS

<u>City</u>	<u>Total Households With Children</u>	<u>Black Households With Children</u>	<u>Spanish Surname Households With Children</u>	<u>"White" Households With Children</u>	<u>Female-Headed Households With Children</u>
Fresno	36%	57%	47%	30%	72%
Los Angeles	49%	62%	69%	38%	73%
San Diego	41%	57%	50%	37%	65%
San Francisco	55%	65%	66%	46%	75%
San Jose	28%	47%	42%	24%	60%

Table 11 summarizes an analysis of inadequate housing conditions for minority and female-headed as compared to "white" families with children. The table shows that among all groups studied, renter families with children have worse housing than renters without children.

In addition, minority and female-headed households are consistently inadequately housed more often than "white" households with children, even holding income constant.

More importantly, while minority and female-headed renter families with children are inadequately housed to a significantly greater degree, minority renters without children do not appear to face housing problems any more often than "white" renters of similar income.

Thus, to the extent that discrimination against minorities and women exists in the California housing market, it appears to be directed at families with children. When racial and sex discrimination lead to inadequate living conditions, it appears that they are confined to families with children.

These findings further suggest that exclusion of renters with children from a major portion of the rental market is in effect excluding minorities and women. They certainly show a disproportionately large impact on minority and female-headed households even when income is taken into consideration.

Clustering/Segregation

To quote economist Claude Elias, "...the results of arbitrary exclusion will be (the) clustering (of) families with children and that would impose certain social problems, such as the need for additional schooling facilities, transportation patterns, differential traffic controls, more police protection, more recreational facilities--and these costs are borne by the general taxpayer, by society as a whole."¹ Dr. Elias concludes that clustering does not strike housing economists as an economic method for solving the housing allocation problem.

Renters with children do tend to become clustered as a result of their exclusion from the majority of the housing market. In California, families

¹ Elias, Ibid., June 20, 1979.

Table 11

PERCENT INADEQUATELY HOUSED MINORITY AND FEMALE-HEADED RENTERS
 COMPARED TO TOTAL "WHITE" RENTERS WITH AND WITHOUT CHILDREN BY INCOME

	<u>"White" * Renters</u>		<u>Black Renters</u>		<u>Hispanic Renters</u>		<u>Female-Headed Renters</u>	
	<u>Low Income</u>	<u>Middle + Income</u>	<u>Low Income</u>	<u>Middle + Income</u>	<u>Low Income</u>	<u>Middle + Income</u>	<u>Low Income</u>	<u>Middle + Income</u>
<u>State of California</u>								
With Children	77%	17%	99%	29%	95%	30%	98%	31%
Without Children	72%	9%	89%	17%	94%	16%	95%	15%
<u>City of Fresno</u>								
With Children	69%	11%	73%	33%	75%	33%	97%	38%
Without Children	67%	4%	69%	4%	61%	4%	61%	5%
<u>City of Los Angeles</u>								
With Children	68%	20%	76%	25%	74%	32%	95%	38%
Without Children	61%	10%	66%	5%	61%	13%	93%	20%
<u>City of San Diego</u>								
With Children	76%	15%	72%	21%	74%	31%	97%	51%
Without Children	74%	7%	73%	4%	70%	10%	96%	26%
<u>City of San Francisco</u>								
With Children	86%	20%	75%	26%	83%	29%	97%	63%
Without Children	79%	14%	74%	11%	80%	12%	97%	6%
<u>City of San Jose</u>								
With Children	88%	20%	89%	35%	83%	34%	98%	59%
Without Children	82%	9%	82%	13%	75%	10%	97%	7%

* "White" as used here means other than Black or Hispanic. It may include other minority groups which represent smaller portions of the population.

with children comprise just over 30 percent of all renters. The availability surveys of rental ads done in 1979 by the Fair Housing Project indicate that between 26 and 35 percent of all rental buildings allow children. Consequently, virtually all renters with children must be concentrated in those buildings to the exclusion of families without children. Such buildings then become "children's ghettos."

Further, by mapping renter families with children by census tract, it was found that they are concentrated in certain areas of each of the cities studied. Maps 1-5 show these clusters. (See Appendix B)

The study also found a correlation between "children clustering" and "racial clustering." Each of the census tracts identified as having a concentration of renters with children was examined for racial composition and proportion of female-headed households. It was found that in the majority of census tracts with high concentrations of renters with children, there were also more minority families and more female-headed households than the citywide norm.

Table 12 summarizes these results. In every city studied there was a correlation between renters with children and minority households. In all but Fresno there was a correlation with female-headed households. The correlation between the isolation of children and minorities was strongest in Los Angeles (78%). The correlation between the isolation of children and female-headed households was strongest in San Jose (93%) with a very strong correlation (83%) also appearing in San Diego.

These correlations occur partly because minority and female-headed households with children tend to be renters more often than "white" male-headed families with children. However, the clustering does demonstrate that "no-children" housing tends to reinforce, if not create, segregated living patterns by age, race and sex.

Not surprisingly, a recent study found that discrimination against children intensifies racial imbalances in schools. "Both the exclusion of middle class white renters from the city and the exclusion of poor minority renters from the suburban housing markets intensify the problem of school segregation."¹ "Jurisdictions which permit discrimination

¹ Dr. Gary Orfield, "Desegregation Principles for Los Angeles: A Report to the Superior Court of the State of California for the County of Los Angeles," November 1, 1978, p. 79.

Table 12

CONCENTRATIONS OF RENTERS WITH CHILDREN CORRELATED WITH
CONCENTRATIONS OF MINORITIES AND FEMALE-HEADED HOUSEHOLDS

<u>City</u>	<u>Census Tracts With Concentrations of Renters With Children</u>				
	<u>Total Number</u>	<u>Tracts with Greater than Citywide Percentage of Black/Hispanic Households</u>		<u>Tracts with Greater than Citywide Percentage of Female-Headed Households</u>	
		<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Fresno	5	3	60%	2	40%
Los Angeles	69	54	78%	52	75%
San Diego	18	11	61%	15	83%
San Francisco	8	5	63%	6	75%
San Jose	15	9	60%	14	93%

against children in the rental or sale of housing should be asked to examine its impact on school segregation and the future enrollment in their local public schools. This discrimination almost certainly produces 'white flight' of families with school children from the city and some suburbs."¹

Finally, the adverse effects of age segregation are not limited to children and their families. A recent study of housing preferences of the elderly strongly recommended that "...alternatives should be provided that allow older persons to live in age-integrated environments if they so desire. The vast majority of the community elderly stated a preference for age-integrated surroundings, if given a choice."² A related manual on house-sharing explained the benefits of age-integration: "It appears that intergenerational contact, providing it is under favorable conditions, can promote more positive attitudes toward the young and greater willingness to share with them."³

¹ Orfield, p. 81.

² Fernando Torres-Gil, et al., Housing: The Diverse Aged, Project MASP, Andrus Gerontology Center, University of Southern California.

³ "Intergenerational House-Sharing: A Feasibility Study and Resource Manual," Project MASP, Andrus Gerontology Center, University of Southern California.

LANDLORD CONCERNS

Concern is often expressed that the presence of children in apartment buildings may lower property values, increase operating costs, and require owners to make substantial "safety" improvements.

Research under this project found no empirical data to support these claims. In any case, the results of the survey of available rentals (see Tables 3-5) show that even if it is true that it is more expensive to rent to families with children, it is also true that rentals which allow children command higher rents.

Property Values

According to the California State Savings and Loan Commissioner and two major savings and loan institutions,¹ there is no known policy in the industry that would result in underappraisal of property because of the presence of children. In fact, the Society of Real Estate Appraisers (SREA) indicates that member appraisers do not even record whether or not buildings accept children when determining the value of a building--it simply is not an important factor.

Maintenance Costs

The following agencies were contacted in an effort to determine whether or not maintenance costs were higher in buildings which accept children as compared to those that were adults-only: Real Estate Research Council of Southern California, U.S. Department of Housing & Urban Development/Los Angeles Area Office, and the Society of Real Estate Appraisers. None of these sources was able to provide us with data on maintenance cost comparisons of buildings with and without children, nor could they refer us to any agency which had this information.

In addition to the above inquiries, questionnaires were sent to the following associations requesting information on any such studies they

¹ Home Federal Savings and Great Western Savings & Loan Association

might have done: 1) Apartment Association/Los Angeles-Western Cities; 2) Apartment House Association Consolidated, San Francisco; 3) Fresno Apartment Association; 4) Tri-County Apartment Association; 5) California Apartment Association; 6) San Diego Apartment & Rental Owners Association; 7) San Fernando Valley Apartment Association; 8) Foothills/Pasadena Apartment Association; 9) Affiliated Cities Apartment Association; and 10) California/Southern Cities Apartment Association. The first five associations responded, but other than a suggestion to contact individual apartment owners, none was able to supply the information requested.

A request for maintenance data was also made of a witness in a child-
eviction case who testified that, "Basically, the presence of children in
an apartment project tends to cause the operating cost of that project
to be greater than they would otherwise be and also tend to cause the
ability of the project to command premium rent from other tenants to be
less than what might otherwise be."¹ No supporting data for this
statement was introduced as evidence during the trial, and subsequent
inquiries have also failed to produce back-up data.

Finally, a review of the available published literature regarding
discrimination against children revealed only one reference to higher
maintenance costs in buildings which accept children. However, that
claim was based on an interview with one apartment owner and, again, no
supporting data was cited.²

It appears that there is no empirical data which compares maintenance
costs in buildings which do and do not allow children. Should this type
of study be made, care should be taken to hold constant such factors as
building age, location, amenities, and so forth, as these will clearly
affect maintenance costs. Also, the percentage of renters with children
in the sample should not exceed their percentage in the general renter
population in order to avoid any distortion caused by "ghettoization."

¹ Stephen Roulac, Questor Associates, in the case of Marina Point,
Ltd., v. Wolfson, Culver City Municipal Court, October 6, 1977.

² Dennis Shaw, Journal of Family Law, V. 16, 1977-78.

Finally, in assessing the importance of maintenance cost studies as a rationale for child-discrimination, it should be determined whether or not comparisons of this sort could be used to discriminate against other classes of renters if it were found that buildings occupied solely by these other classes had higher maintenance costs. In both cases, it can reasonably be argued that other factors are involved.

Insurance Rates

According to the California State Department of Insurance, "It has been this Department's experience...that an apartment's liability and property rates are not affected by whether or not children are residing in the apartment building. Also, we have never received a rating complaint regarding the residence of children in an apartment building."¹

Additional information was received from the Transamerica Insurance Group, stating that although "some apartment building features do influence premiums," that was due to "the inherent hazard of such features, not the presence of children."² The fact that children do not raise insurance rates for apartment buildings was also confirmed by representatives for the Kemper Insurance Company and Farmer's Insurance Company, both in Los Angeles.

The findings of this study are that the insurance industry, with its enormous amounts of data on claims, does not consider the presence of children a significant factor in setting rates for apartment buildings.

Building Modifications/Safety Standards

Information was obtained from building departments in the 5 cities studied. In all cases, owners of dwellings are subject to either state or local housing codes, building codes--and their amendments--and various

¹ Letter from Janet S. Galiley, Insurance Rate Analyst, California Department of Insurance, to Eden Council for Housing Opportunities, April 24, 1978.

² Letter from E. J. Cogan, Transamerica Insurance Group, December 14, 1979, to Fair Housing Project.

swimming pool codes, irrespective of whether or not children are in residence. According to a representative of the Los Angeles Building Department, if an adults-only building were inspected and found to be safe and up to code, and a child subsequently moved in, no modifications would be required.¹ One of the California legislative proposals emphasized this point by declaring that protecting families from rental discrimination shall not "be construed to require a landlord to make an improvement to a housing accomodation beyond the minimum standards established by building codes and regulations approved by a state or local agency which has the responsibility to approve building plans and designs."²

None of this has been interpreted as disregard for the safety of children, but rather an acknowledgement of the fact that living in an apartment instead of a house presents no special high-risk situations for children. Sadly, Los Angeles County statistics confirm this observation. In 1979, of the 35 children under 12 years of age who drowned in swimming pools, 32 (or 91%) were found in private home pools. One child was found in an apartment house pool. In other types of drownings, three children under the age of 10 died in bathtubs, one in a river, and one in a lake.³

It is clear that a variety of situations, including taking a bath, can be dangerous to young, unsupervised children and that parents have the ultimate responsibility for their children's safety -- whether inside or outside of a dwelling unit.

In denying a family shelter for "safety reasons" (e.g., pools, stairways, balconies, parking lots), it may be that the real safety issue is missed. As documented elsewhere in this report, many families are living in dilapidated, substandard, and overcrowded housing. These are dangerous conditions over which their parents have little control because they are deprived of choice in the housing market.

¹Interview with John Feliciello, Assistant Superintendent of Building and Safety, City of Los Angeles, August 21, 1979.

²Senate Bill 440 (Roberti, et al.), February 22, 1979, amended April 25, 1979.

³Letter from Los Angeles County Department of Chief Medical Examiner-Coroner to Fair Housing Project, April 22, 1980.

"A decent home and a suitable living environment for every American family."

--a national goal since 1949

--a state goal since 1970

CONCLUSIONS AND RECOMMENDATIONS

It is apparent from this study that the basic human need for adequate shelter is not being met for a large percentage of California's renters with children. Part of the problem is caused by an insufficient supply of units, but a significant part is caused by the arbitrary exclusion of families with children from those units which do meet their needs.

In order to lessen the burden of this housing shortage-within-a-shortage for families with children, and to encourage intergenerational housing patterns in the future, serious consideration should be given to the following actions:

1. Enactment of a statewide law, similar to those in effect in 7 other states, prohibiting housing discrimination against renters based exclusively on age, parenthood, pregnancy, or the potential or actual tenancy of a minor child.¹

2. Adoption of local ordinances in the absence of statewide protection for renter families with children.

3. An increase in public incentives to private industry to meet the housing needs of families--especially those with 3 or more children--i.e., expansion of all federal rental programs and increases in rent limits to realistic levels.

4. Enforcement of existing regulations which prohibit discrimination against families with children in publicly financed or publicly insured housing projects.

5. Adoption of local regulations and plans that give incentives for construction of developments which offer a mix of 2 or more bedroom

¹ Although such protections normally cover only rentals, their expansion to owner-occupied units may be necessary to deal with the growing child-exclusion problem in the sale of condominiums, cooperatives, mobile homes, and "planned communities."

units with 0-1 bedroom units and which include amenities for all age groups.

Note: These actions deal mainly with the unavailability of housing for families with children. For a broader look at the housing problem, please see the California Statewide Housing Plan, 1979 Update, especially Section II, "Policies and Action Items," and Section III, "Farmworker Housing Plan Update." Available from the Department of Housing and Community Development, 921 Tenth Street, Sacramento, CA 95814.

6. At the federal level, serious consideration should be given to amending civil rights legislation so that it will protect families with children from housing discrimination.

A P P E N D I X

"A"

Survey Forms

Compiled by: _____

Apartment Survey

City: _____

Newspaper/Date: _____

"AGE RESTRICTIONS"

Rent per Month	\$0-99	\$100-149	\$150-199	\$200-249	\$250-299	\$300-349	\$350-399	\$400-449	\$450-499	\$500 up
UNFURNISHED UNITS										
No. of Bedrooms										
0										
1										
2										
3										
4+										
(office use)										
FURNISHED UNITS										
No. of Bedrooms										
0										
1										
2										
3										
4+										
(office use)										

-45-

TOTAL NO. OF UNITS IN EACH BUILDING CONTACTED

(office use)

RESTRICTIONS: (e.g., teens only, infants only, etc.) _____

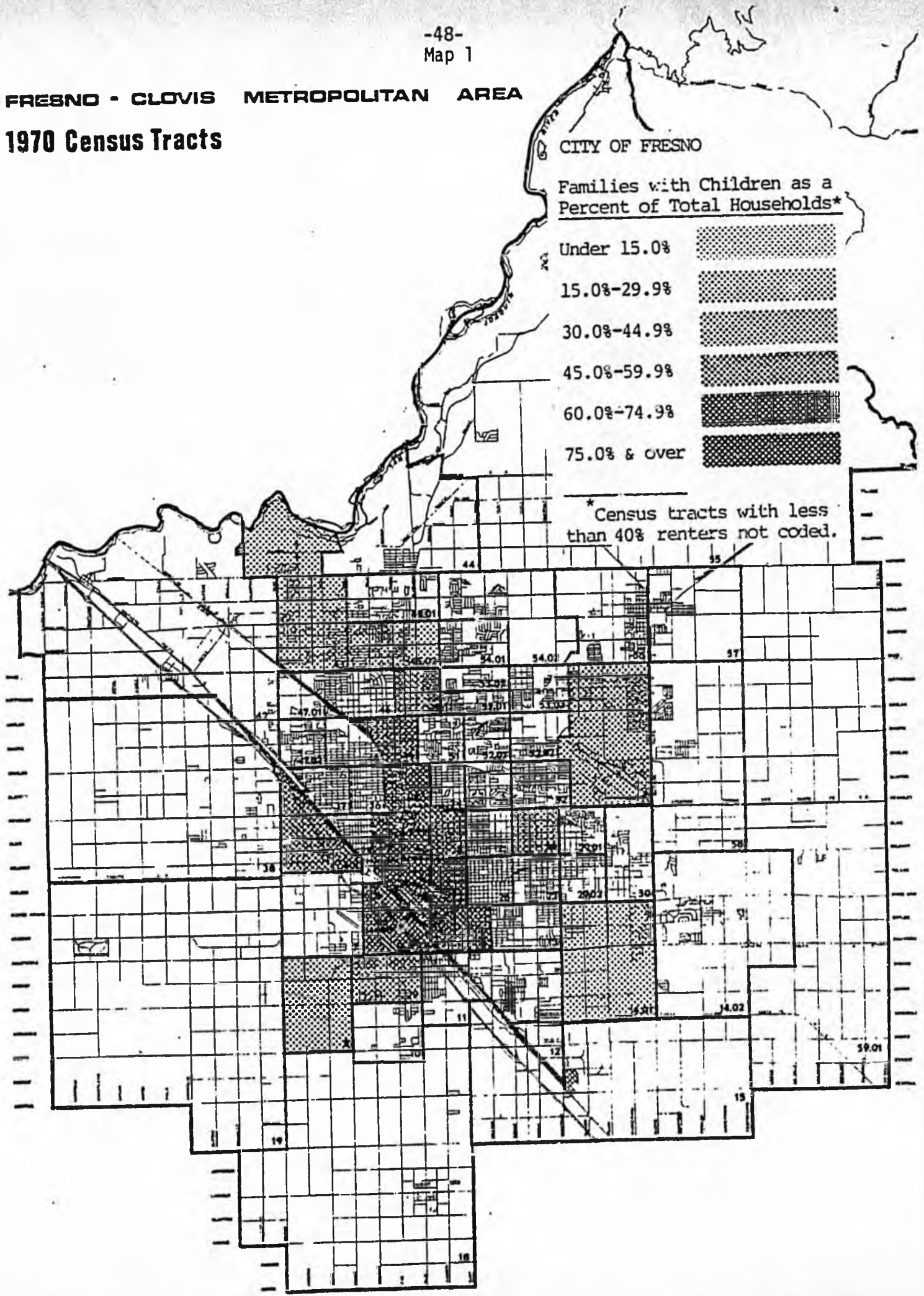
(cont. on back)

A P P E N D I X

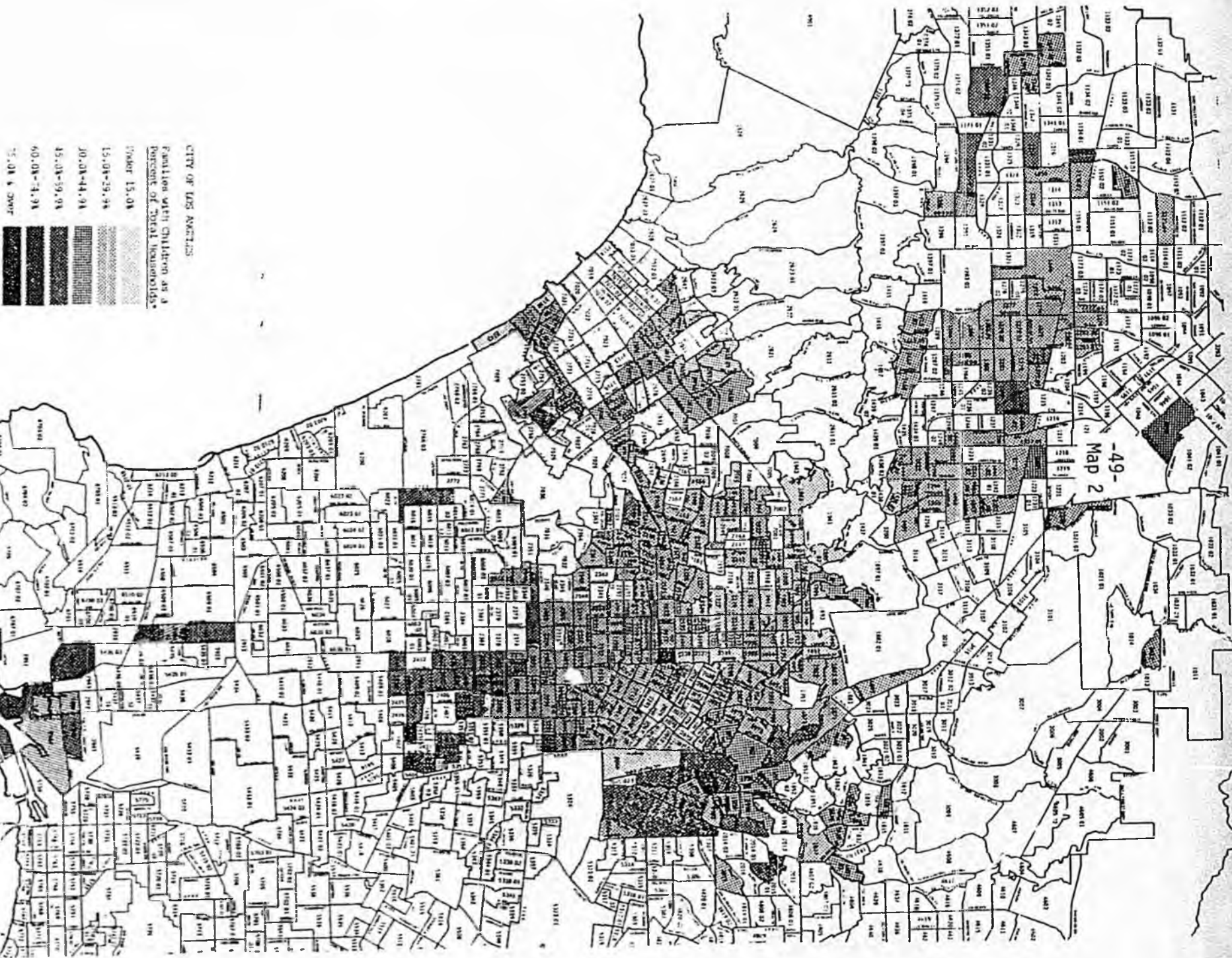
"B"

Age Clustering Maps

FRESNO - CLOVIS METROPOLITAN AREA 1970 Census Tracts



-49-
Map 2

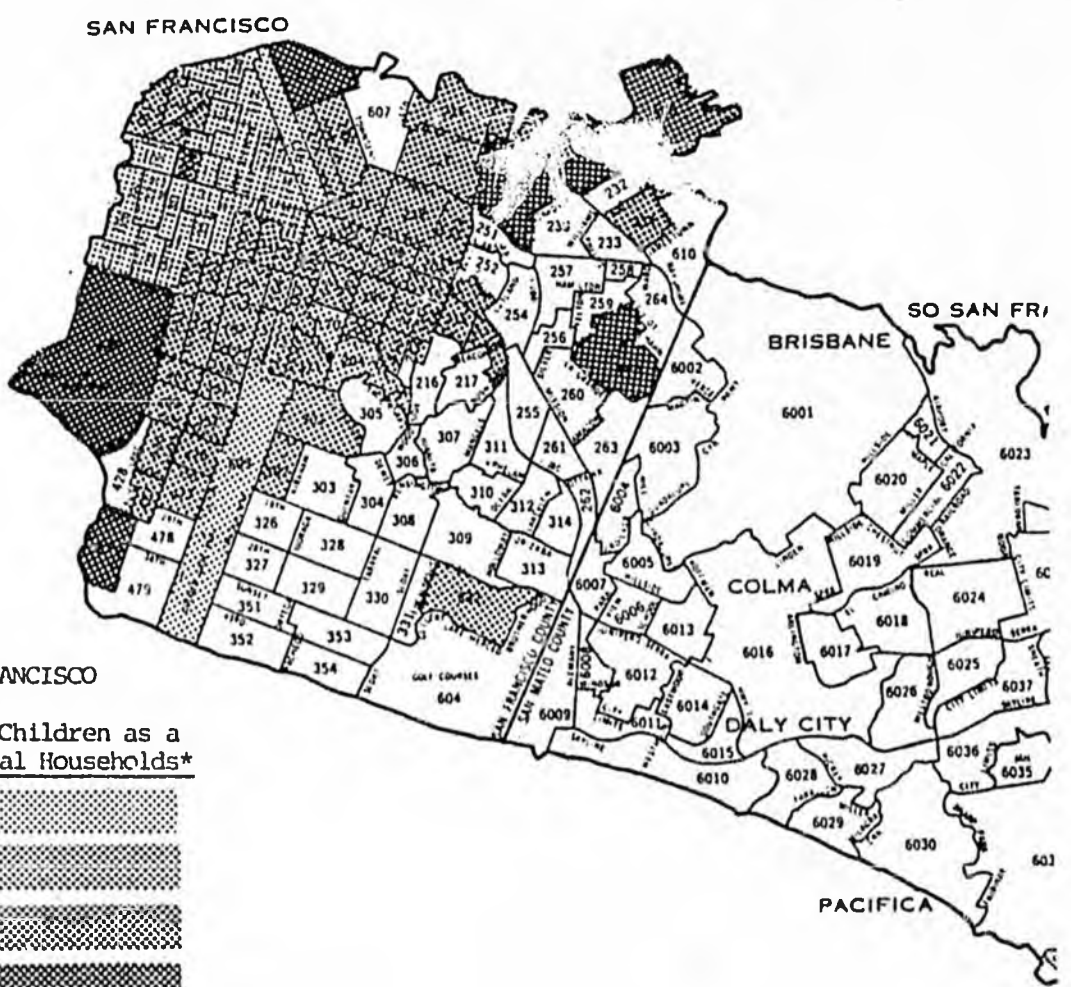


CITY OF LOS ANGELES

Family with Children as a
Percent of Total Households*

- 100% or more
- 75-99%
- 50-74%
- 25-49%
- 15-24%
- 5-14%

*Group tracts with less
than 500 persons not shown.

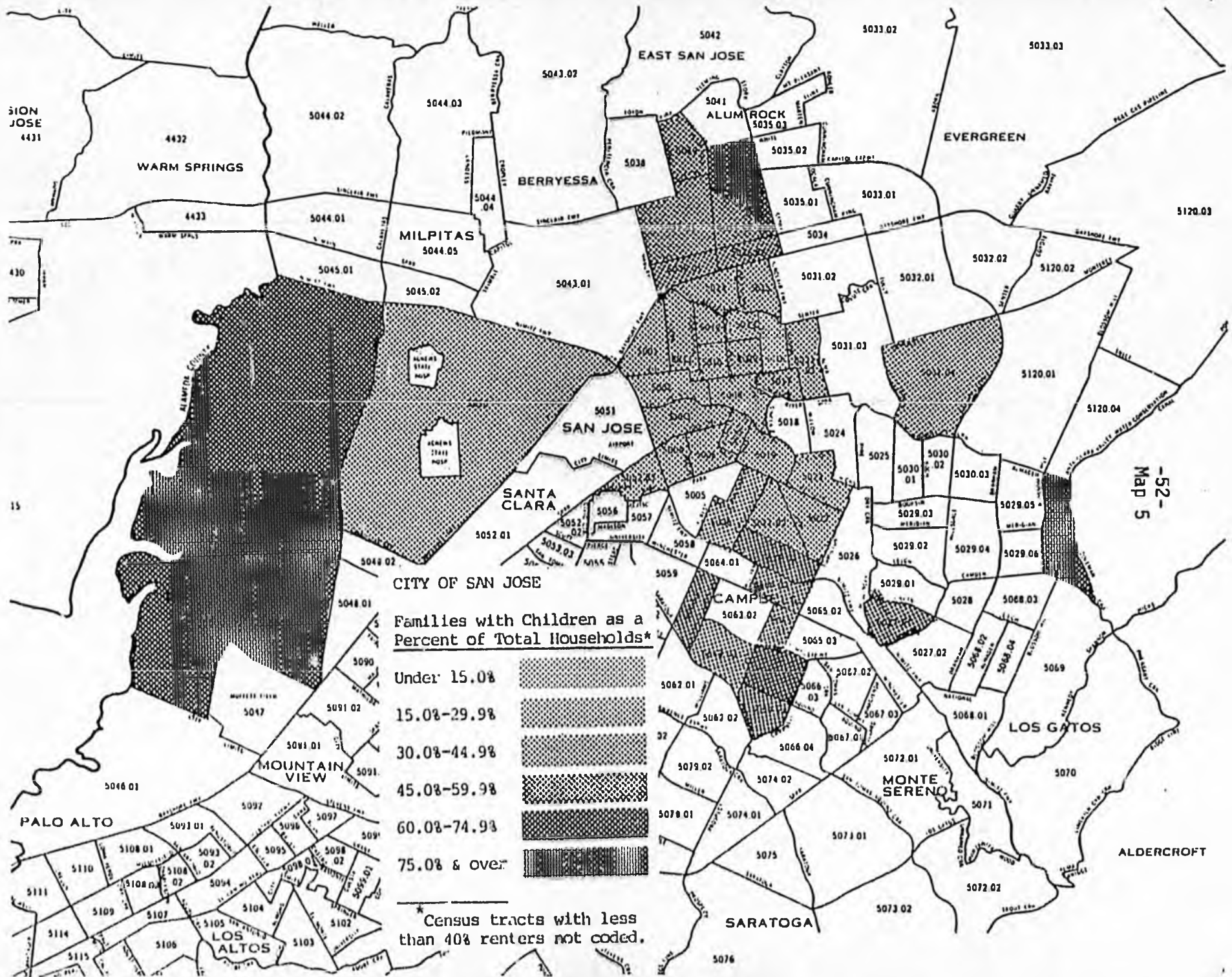


CITY OF SAN FRANCISCO

Families with Children as a Percent of Total Households*

Under 15.0%	
15.0%-29.9%	
30.0%-44.9%	
45.0%-59.9%	
60.0%-74.9%	
75.0% & over	

* Census tracts with less than 50% renters not coded.



-52-
Map 5