

H B

131

((7))

# COMMITTEE REPORT

5/11

## HOUSE

FURTHER: JUDICIARY

1/28/83

Date: 5/10/83

Mr. Speaker:

The Committee on LABOR & COMMERCE has had HB 131

An Act relating to unlawful practices in the sale or rental of real property.

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HS 131  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

### MEMBERS SIGNING DO PASS

Amaloe Do Pass

Mike Korman Do Pass

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### MEMBERS HAVING OTHER RECOMMENDATIONS:

Rich Gehrig (NO REC)

W. F. ... NO REC

John ... DO NOT PASS

... DO NOT PASS

... (NO REC)

W. J. ...  
CHAIRMAN

I. REQUEST  
 Bill/Resolution No.: HB131  
 Title: Unlawful Practices Sale or Rental  
 Sponsor: Hurlbert  
 Requestor: House Labor & Commerce

II. FISCAL DETAIL  
 Agency Affected: Administration  
 Program Category Affected:  
 BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		0	0	0	0	0
<b>CAPITAL</b>		0	0	0	0	0
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		0	0	0	0	0

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Rebecca Burch *RB* Phone: 465-2200  
 Division: Commissioner's Office Date: 3/16/83  
 Approved by Commissioner: Lisa Rudd *Lisa Rudd* Date: 3/16/83  
 Department: Administration

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Quoted in *Hotel & Restaurant Union Local 878 v. Alaska State Comm'n for Human Rights*, Sup. Ct. Op. No. 1853 (File No. 4248), 595 P.2d 653 (1979).

**Sec. 18.80.210. Civil rights.** The opportunity to obtain employment, credit and financing, public accommodations, housing accommodations and other property without discrimination because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin is a civil right. (§ 6 ch 117 SLA 1965; am § 4 ch 42 SLA 1972; am § 8 ch 104 SLA 1975)

**NOTES TO DECISIONS**

Cited in *Loomis Electronic Protection, Inc. v. Schaefer*, Sup. Ct. Op. No. 1262 (File No. 2684), 549 P.2d 1341 (1976).

Collateral references. — Actionability under state statutes of discrimination because of complaining party's association with persons of different race, color, or the like. 35 ALR3d 859.

Recovery of damages for emotional distress resulting from racial, ethnic, or religious abuse or discrimination. 40 ALR3d 1290.

Racial or religious discrimination in furnishing of public utilities, services, or facilities. 53 ALR3d 1027.

Recovery of damages for emotional distress resulting from discrimination

because of sex or marital status. 61 ALR3d 944.

Trailer park as place of public accommodation within meaning of state civil rights statutes. 70 ALR3d 1142.

Recovery of damages as remedy for wrongful discrimination under state or local civil rights provisions. 85 ALR3d 361.

Identification of job seeker by race, religion, national origin, sex, or age, in "situation wanted" employment advertising as violation of state civil rights laws. 99 ALR3d 154.

**Sec. 18.80.215. Activities in aid of housing for minority groups.** The activities of a nonprofit and noncommercial organization on a nonremunerative basis in aiding minority group members to obtain housing opportunities so as to further the purpose of this chapter are not considered a violation of AS 08.88.161. (§ 3 ch 119 SLA 1969)

**Sec. 18.80.220. Unlawful employment practices.** (a) It is unlawful for

(1) an employer to refuse employment to a person, or to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, religion, color or national origin, or because of his age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood;

§ 18.80  
(2) a  
change  
color or  
or to c  
employ  
(3) a  
to be pr  
or to us  
in conn  
or indii  
marital  
race, cr  
unless l  
(4) a  
charge,  
has opp  
or beca  
under t  
(5) a  
the sex  
salary o  
compari  
of work  
(6) a  
stateme  
employ  
discrimi  
pregnar  
unless t  
(b) Th  
agencie  
to admin  
consider  
charged  
ever, st  
race she  
1965; ar  
ch 42 SI

Cross  
jurisdictio  
arising u  
22.10.020.  
Opinion  
section (b)  
the commi

# WHERE HAVE ALL the CHILDREN GONE? ..

TODAY, THROUGHOUT THE U.S., 27% OF ALL RENTAL HOUSING IS NOT OPEN TO PARENTS WITH MINOR CHILDREN. IN JUNEAU THE FIGURE IS MUCH HIGHER. WE ARE WORKING TO GIVE ALL FAMILIES THE SAME OPPORTUNITIES THAT SINGLES AND COUPLES WITHOUT CHILDREN HAVE.... BELOW ARE A FEW QUESTIONS AND ANSWERS ABOUT FAIR HOUSING.... PLEASE GIVE IT SOME THOUGHT.

2 br. apt., adults only, no pets. \$500 plus \$150 clearing deposit. Call between 7-9 p.m. Available Nov. 7th.

from, JUNEAU EMPIRE 10/9/80



ANCHORAGE DAILY NEWS 6/1/81

COZY 2 BR. 1 1/2 bath, excel. cond. near West 1st St. fireplace, carpet, w/d, dw, gc. \$110/mo. no pets or child. Call 263-2126 or 263-1261

**DOWNTOWN WALK TO WORK**

**NOW RENTING!**  
Apartments in newly-renovated building. 1 br. from park strip, all street parking and laundry room for your convenience. no dogs or children.  
**EFFICIENCY/315**  
1 BR./315  
1 BR./320  
ALL UTIL. INCLUDED  
Resident Manager, 377-7151

from, JUNEAU EMPIRE 10/15/80

2 br. unfurnished and 1 br. furnished, in West Juneau. Carpeting, dishwasher, garbage disposal, all street parking. No pets or children. Mature adult preferred. 566

- Q: AREN'T MAINTAINENCE COSTS HIGHER WHEN YOU RENT TO FAMILIES WITH CHILDREN?
- A: ACCORDING TO A NEW YORK COMPANCY WHICH SUPPLIES THE INSURANCE INDUSTRY WITH NATIONWIDE STATISTICS ON DAMAGES, THERE IS NO EMPIRICAL DATA TO PROVE THAT THE PRESCENCE OF FAMILIES RESULTS IN GREATER DESTRUCTION TO PROPERTY.
- Q: WOULDN'T A FAIR HOUSING LAW FORCE LANDLORDS TO OVERCROWD THEIR APARTMENTS?
- A: NO. FAIR HOUSING LAWS ARE REASONABLE AND ARE NOT WRITTEN IN AN ARBITRARY MANNER. A LANDLORD WOULD NOT HAVE TO RENT A ONE BEDROOM APARTMENT TO A PARENT OR PARENTS WHO HAD THREE CHILDREN. OR, A PROJECT DESIGNED FOR THE ELDERLY OR HANDICAPPED WOULD NOT BE FORCED TO ACCEPT TENANTS WHO HAD CHILDREN. A FAIR HOUSING LAW WOULD BE REASONABLE AND GIVE EQUAL OPPORTUNITIES TO PARENTS AND INSURE THAT AN ADEQUATE SIZED APARTMENT WOULD NOT BE DENIED TO THEM BECAUSE OF PARENTHOOD.
- Q: ISN'T THE SOLUTION TO BUILD MORE HOUSING?
- A: THIS SOLUTION IGNORES THE FACT THAT OFTEN NEW BUILDINGS WILL NOT RENT TO FAMILIES WITH CHILDREN. ALSO, THERE IS NOTHING TO PREVENT EXISTING BUILDINGS TO ADOPT NEW RULES BANNING CHILDREN. IN THE LAST TWO MONTHS TWO APARTMENT BUILDINGS IN JUNEAU HAVE CHANGED THE RULES AND NOW EXCLUDE CHILDREN.
- Q: DON'T INSURANCE COMPANIES CHARGE HIGHER RATES FOR BUILDINGS THAT ALLOW CHILDREN?
- A: NO. PRUDENTIAL, SAFECO, AETNA, REPUBLIC, NORTHWESTERN, AND CONTINENTAL INSURANCE COMPANIES SAY THAT IT IS THE CONDITION OF THE BUILDING THAT DETERMINES THE RATES, NOT THE AGE OF THE TENANTS. (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 UNSAFE 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, AND OVERCROWDED HOUSING.
- Q: ARE THERE FAIR HOUSING LAWS IN OTHER AREAS OF THE COUNTRY?
- A: YES. LAWS TO PROTECT RENTERS WITH CHILDREN HAVE BEEN PASSED IN MANY AREAS THROUGHOUT THE UNITED STATES. ARIZONA, MICHIGAN, ILLINOIS, NEW JERSEY, NEW YORK, DELAWARE, CONNECTICUT, MINNESOTA, AND THE DISTRICT OF COLUMBIA HAVE PASSED FAIR HOUSING LAWS. NUMEROUS CITIES HAVE ENACTED LAWS THAT PROTECT FAMILIES AND CHILDREN, THEY INCLUDE SAN FRANCISCO, SPOKANE, LOS ANGELES, OAKLAND, AND SEATTLE.

# THE CHRISTIAN SCIENCE MONITOR

Tuesday, August 12, 1980

40¢

COPYRIGHT © 1980 THE CHRISTIAN SCIENCE MONITOR BOARD OF DIRECTORS. ALL RIGHTS RESERVED.

2

## Opening apartment doors closed to kids

By Randy Shipp

Doston

Anyone trying to find an apartment that accepts children will not be surprised by the conclusions of a recent US Housing and Urban Development survey. It shows that, nationwide, 26 percent of all rental units have "no children" policies, and many that do accept children have restrictions on the number, sex, or age of the youngsters.

These restrictions affect roughly 2 million families, says Elizabeth Rolstacher, HUD's deputy assistant secretary for policy development and research.

The report adds that restrictive rental policies also may mean that families may be split up, with children being sent to live with other relatives, until parents can find some place for them to live, or doubling up with another family, leading to increased family tension.

"There is also a real feeling among people who are hit by this that society thinks there's something wrong in having children," Dr. Rolstacher says. "Children react to this. They are hurt, they're parents are hurt. They're all really disturbed by the fact that children don't seem to be wanted."

The problem is growing worse. The number of rental units unavailable to families with children is rising. And with more apartment buildings switching to "no children" policies, and more one-bedroom rather than multi-bedroom units being built, it is likely to continue to rise.

In Massachusetts, state law prohibits

such discrimination in dwellings with three or more units. Violations carry a fine of up to \$1,000. Even so, discrimination against families with children is "the biggest problem right now for housing," according to a spokesman for the Massachusetts Commission Against Discrimination. Because of exemptions under the law, he says, very few rental units actually are affected.

The California-based Fair Housing for Children Coalition (FHCC) conducted a survey of apartment ads in newspapers. In Los



Angeles, 71 percent allowed no children of any age, and Fresno, San Diego, and San Jose showed 53 percent, 65 percent, and 70 percent respectively.

"We've dealt with people who are living with six kids in a station wagon on the Santa Monica pier, and a woman living with two kids in a tent on the beach," says FHCC executive director Dora Ashford.

FHCC also gets calls from pregnant women worried that they will lose their apartment when they have their baby.

"We had a recent case of a couple in Santa Monica who had a baby a few months ago. They got a letter from [the apartment management company] saying, 'Congratulations on your new baby -- and we would like you to find another place to live in 60 days.'"

But when FHCC lawyers took the case and pointed out that the family would not be

violating any occupancy codes, and that a local ordinance forbade age discrimination, the family was allowed to stay.

The generally tight housing market is a major cause of the problem, Ma. Ashford says.

"As long as the housing crisis worsens [the discrimination problem] will, too. Families with children are in a worse position to buy their way out, as are the elderly, when housing crunches hit, so they're hurt a lot worse than other people."

Helen Blank of the Children's Defense Fund (CDF) says positive steps are being taken. The HUD study, for instance, is an example of interest in the issue on the part of the federal government.

Moreover, anti-discrimination statutes have been passed in Arizona, Connecticut, Delaware, Illinois, Massachusetts, Minnesota, New Jersey, New York, and the District of Columbia. The California Legislature is considering similar legislation.

The CDF has set up a national network of organizations concerned with discrimination against families with children. Its purpose, Ms. Blank says, is "... to communicate with each other about local ordinances they are working on, share strategy, and give each other mutual support."

Dr. Rolstacher says increasing the number of available homes and apartments would help solve the problem. She says HUD is looking into possible roles that it can take, and also would like state and local governments to get involved with the issue.



**FAIR HOUSING FOR CHILDREN COALITION**

P.O. BOX 5077 SANTA MONICA, CA 90405  
(714) 393-1093



*The Extent and Effects of*

***Discrimination against Children in Rental Housing***

*A Study of Five California Cities*

*Dora J. Ashford  
Perla Eston*

***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" indicate age restrictions such as "infants only." Section was taken from a 1979 Los Angeles newspaper survey. Follow-up phone calls to the remaining ads (unshaded) revealed an additional 50% would not accept children.*



Copyright © 1980

Fair Housing for Children Coalition, Inc.  
P. O. Box 5877  
Santa Monica, CA 90405  
(213) 393-1093

## 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.<sup>1</sup> Several local governments also passed ordinances to protect renters with children from discrimination.<sup>2</sup> 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.

---

<sup>1</sup> 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."

<sup>2</sup> 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-kids" 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."<sup>1</sup>)

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

---

<sup>1</sup>"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 ordinances 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:

- Jim Lowery and Ruth Yannatta Goldway of the Center for New Corporate Priorities, for advice and assistance on funding;
- Melanie Lewis for indispensable help at every stage of the project;
- Suzanne Burrall, Carole Oligario, Chester Covington, and Michael Fitzgerald for office help and survey work;
- Volunteer surveyors in San Diego (Laura Lent, Tom Kozden, Melissa Birch, Barbara Powell, Therese Cauchon, Walter Rosenburg, Alice M. Flores, Kathy Pode, Kathy Perlis, Caryn Johnson, Rebecca Boyer, Sheryl Cook); Los Angeles (Mickey Rosado, Lorraine Farrell, Gloria Kalesh, Rena and Perry Horowitz, Lois Surnow, Sylvia Montoya); Fresno (Ute Rauscher, Barbara Belmonte, Kay Bryan, Mary Hall, Vera Zavala, Kathy Chastain, Tom Taylor); San Jose (Sheila Torres W., Angie Carrillo, Nancy Robertson, Dan Basora); and San Francisco (Mark McBride, Linda Walsh, Benilde Sarrico, Andrew Bundy);
- Carl Elan for data analysis, and Phil Rush for survey work.

And finally, thanks to Anna, Fred, Ian, Alisa, and Skip for their patience.

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.<sup>1</sup> 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.

---

<sup>1</sup> 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 SCAG<sup>1</sup> 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

---

<sup>1</sup> 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.<sup>1</sup>

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.

---

<sup>1</sup> 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

No. of Bedrooms	Accept Children		No Children		Age Restricted		Total	
	#	%	#	%	#	%	#	%
<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	124	24.0%	276	53.3%	117	22.6%	517	100.0%
<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	130	14.4%	639	70.8%	133	14.7%	902	100.0%
<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	203	22.6%	584	65.0%	112	12.5%	899	100.0%
<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	368	86.4%	50	11.7%	8	1.9%	426	100.0%
<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	71	21.8%	228	69.9%	27	8.3%	326	100.0%

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."<sup>1</sup>

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 by 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.

---

<sup>1</sup> 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	
	#	%	#	%	#	%	#	%
<b>Fresno</b>								
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%
<b>Los Angeles</b>								
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%
<b>San Diego</b>								
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%
<b>San Francisco</b>								
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%
<b>San Jose</b>								
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	<u>\$214</u>	<u>\$209</u>	<u>\$207</u>
Los Angeles			
0	N.A.	\$404	\$313
1	\$338	\$328	\$297
2	\$366	\$347	\$411
3+	\$515	\$418	\$438
Overall Median	<u>\$380</u>	<u>\$348</u>	<u>\$371</u>
San Diego			
0	\$230	\$183	\$217
1	\$233	\$222	\$221
2	\$273	\$248	\$239
3+	\$325	\$316	\$316
Overall Median	<u>\$246</u>	<u>\$239</u>	<u>\$228</u>
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	<u>\$381</u>	<u>\$460</u>	<u>N.A.</u>
San Jose			
0	\$204	\$225	N.A.
1	\$267	\$246	\$238
2	\$309	\$298	\$292
3+	\$375	\$366	\$382
Overall Median	<u>\$296</u>	<u>\$276</u>	<u>\$352</u>

\*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	364		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		219	263		300	421		283
2 "	212		371	295		431	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.<sup>1</sup>

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 <sup>2</sup>	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.

---

<sup>1</sup> 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.

<sup>2</sup> 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	21.4	33%
\$15,000-\$22,499	42.6	9.5	22%	46.0	3.4	7%
\$22,500-\$34,999	17.1	2.5	14%	18.9	0.8	4%
\$35,000 and up	10.2	1.2	12%	13.7	0.4	2%
Total	192.7	93.6	49%	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	3.3	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	5.5	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	19.9	15.2	51%	23.4	9.6	41%

\*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% indadequately 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,<sup>1</sup> 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

---

<sup>1</sup> 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"<sup>1</sup> 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.<sup>2</sup>

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.

---

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

<sup>2</sup> 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.

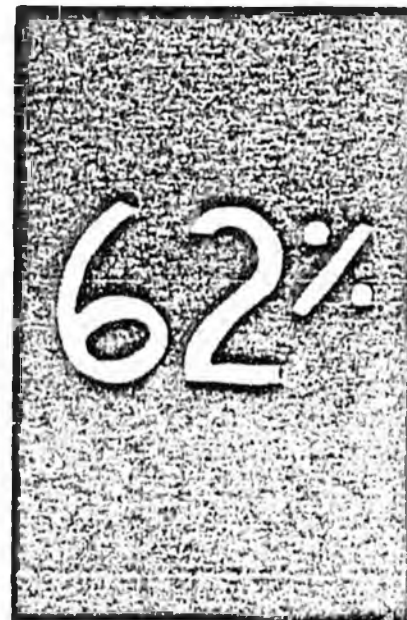
# CALIFORNIA RENTERS

FEMALE  
TOTAL



616,200

FEMALE  
WITH  
CHILDREN



384,800

# CALIFORNIA RENTERS

HISPANIC  
TOTAL

HISPANIC  
WITH  
CHILDREN



517,000



278,000

# CALIFORNIA RENTERS

BLACK  
TOTAL

BLACK  
WITH  
CHILDREN

41%

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."<sup>1</sup> 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

---

<sup>1</sup> 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 16 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."<sup>1</sup> "Jurisdictions which permit discrimination

---

<sup>1</sup> 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

City	<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."<sup>1</sup>

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."<sup>2</sup> 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."<sup>3</sup>

---

<sup>1</sup> Orfield, p. 81.

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

<sup>3</sup> "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,<sup>1</sup> 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

---

<sup>1</sup> 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."<sup>1</sup> 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.<sup>2</sup>

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."

---

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

<sup>2</sup> 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."<sup>1</sup>

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."<sup>2</sup> 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

---

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

<sup>2</sup> 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.<sup>1</sup> 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 accommodation 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."<sup>2</sup>

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.<sup>3</sup>

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.

---

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

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

<sup>3</sup> Letter 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.<sup>1</sup>
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.

---

<sup>1</sup> 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: \_\_\_\_\_

"NO CHILDREN"

Rent per Month	\$0-99	\$100-149	\$150-199	\$200-249	\$250-299	\$300-349	\$350-399	\$400-449	\$450-499	\$500 up
<b>UNFURNISHED UNITS</b>										
No. of Bedrooms										
0										
1										
2										
3										
4+										
(office use)										
<b>FURNISHED UNITS</b>										
No. of Bedrooms										
0										
1										
2										
3										
4+										
(office use)										
<b>TOTAL NO. OF UNITS IN EACH BUILDING CONTACTED</b>										<b>(office use)</b>

-4-

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
<b>UNFURNISHED UNITS</b>										
No. of Bedrooms										
0										
1										
2										
3										
4+										
(office use)										
<b>FURNISHED UNITS</b>										
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"

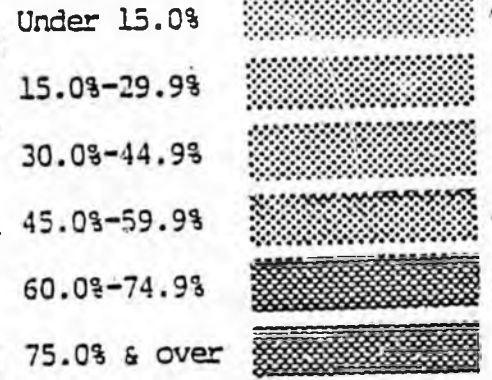
Age Clustering Maps

# FRESNO - CLOVIS METROPOLITAN AREA

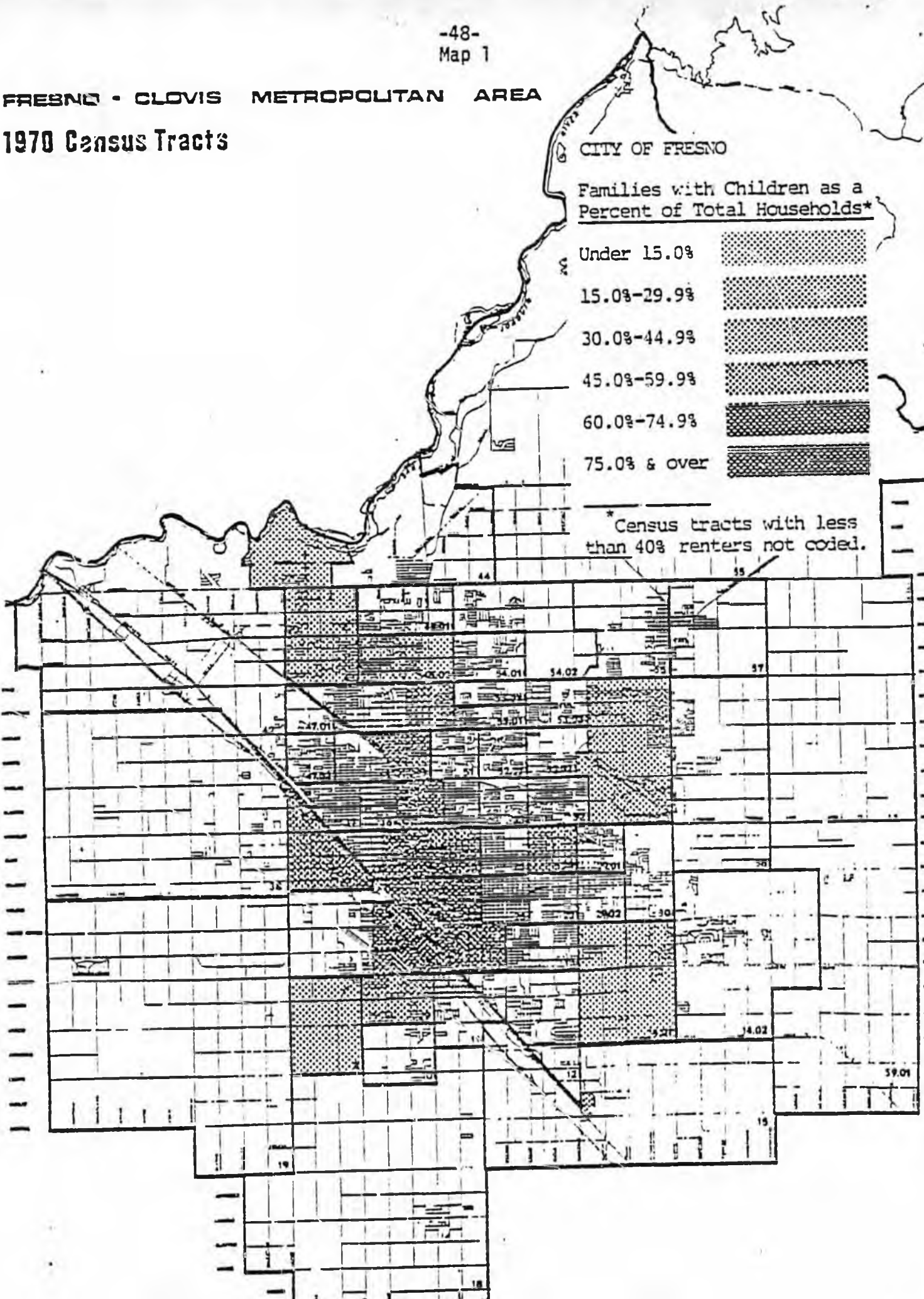
## 1970 Census Tracts

CITY OF FRESNO

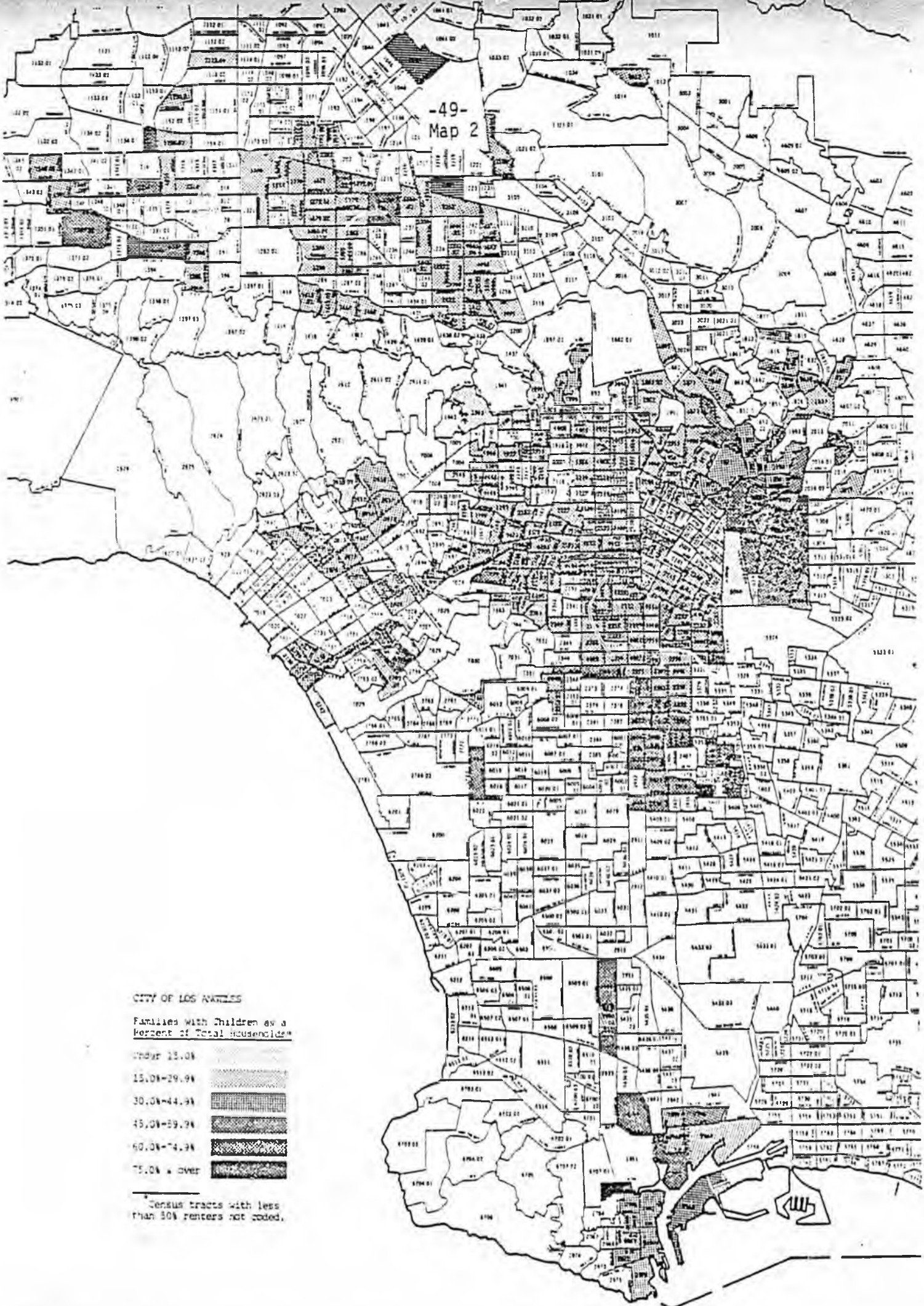
Families with Children as a  
Percent of Total Households\*



\* Census tracts with less than 40% renters not coded.



-49-  
Map 2



CITY OF LOS ANGELES

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

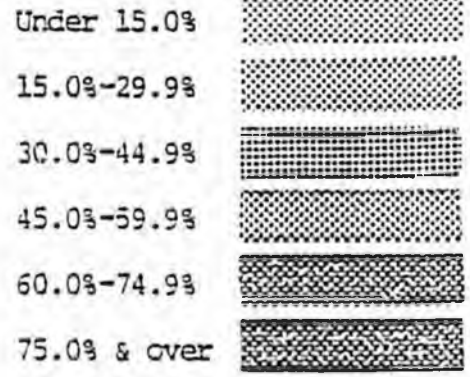
\*Census tracts with less than 50% renters not coded.

TORREY PINES

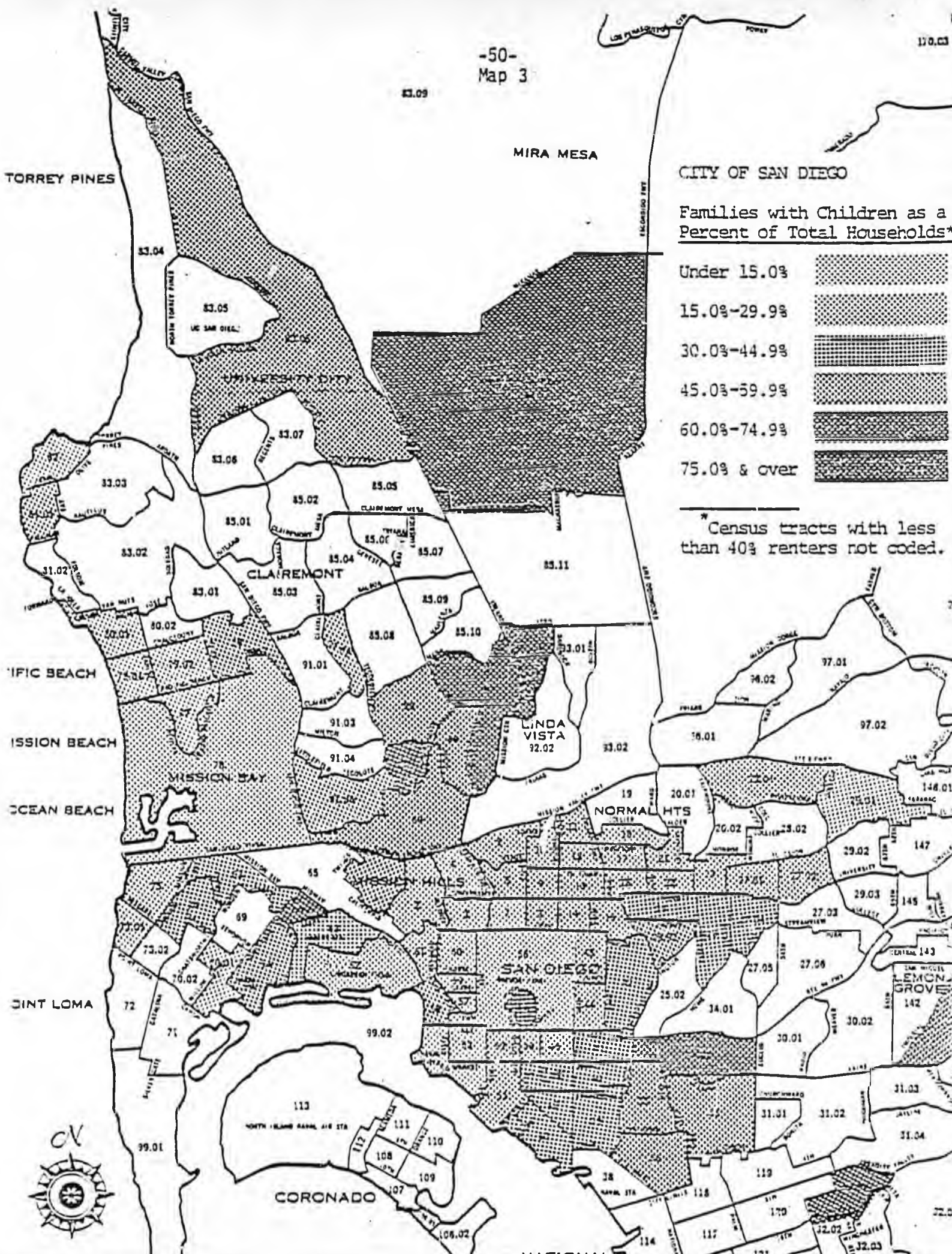
MIRA MESA

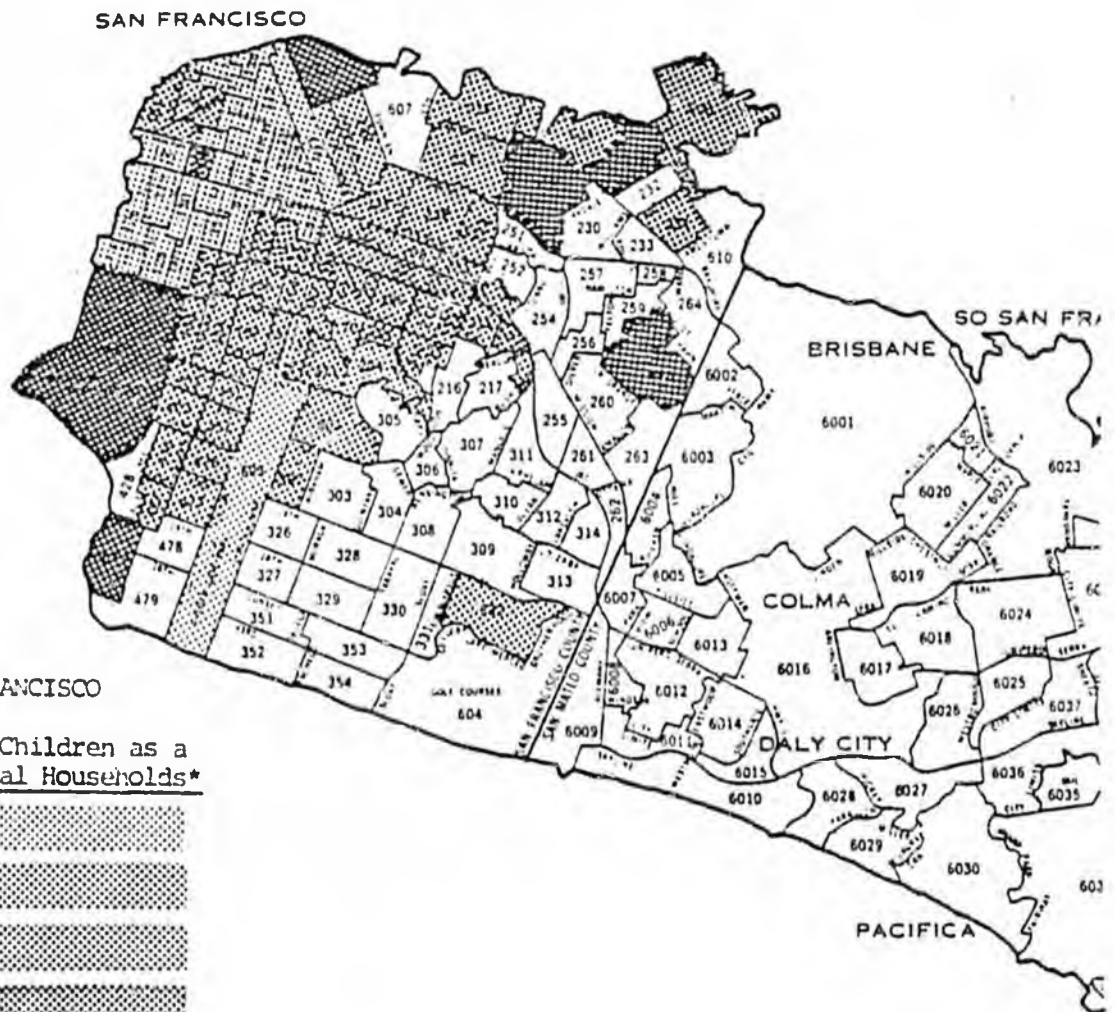
CITY OF SAN DIEGO

Families with Children as a  
Percent of Total Households\*



\* Census tracts with less than 40% renters not coded.



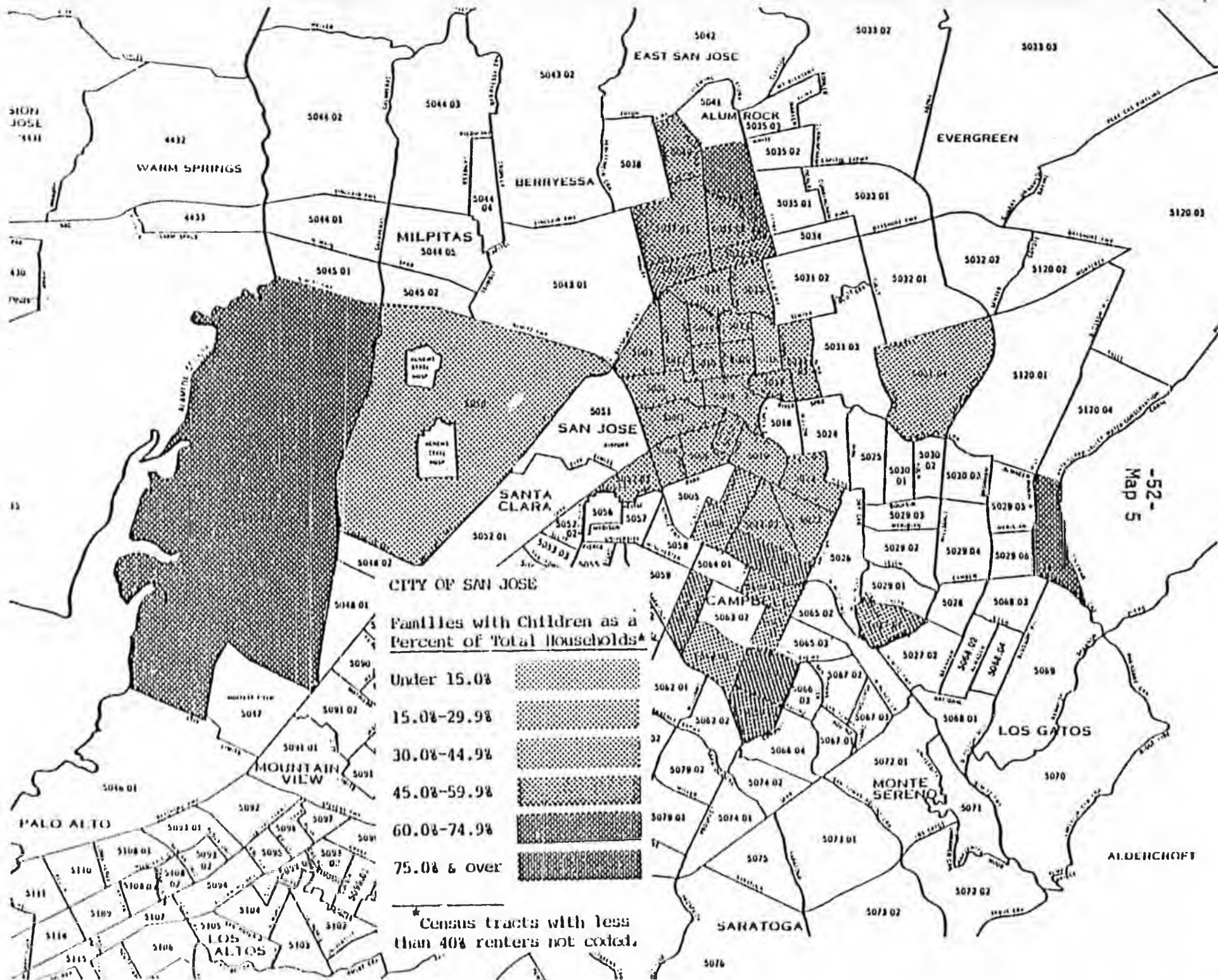


CITY OF SAN FRANCISCO

Families with Children as a Percent of Total Households\*

Under 15.0%	[Dotted pattern]
15.0%-29.9%	[Cross-hatch pattern]
30.0%-44.9%	[Horizontal line pattern]
45.0%-59.9%	[Vertical line pattern]
60.0%-74.9%	[Diagonal line pattern]
75.0% & over	[Solid black pattern]

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



STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AGENCIES  
JULY 1, 1982  
707 461 221

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 15, 1982

SUBJECT: Discrimination in rental housing  
accommodations (Work Order No. 12-2776)

TO: Representative Hugh Malone

FROM: Tamara Brandt Cook  
Legislative Counsel

TBC

You have asked whether a recent California case, Marina Point, Ltd. v. Wolfson, 180 Cal. Rep. 496 (California 1982), has any application under Alaska law. The case deals with the question of whether an owner of an apartment complex may refuse to rent an apartment to a family solely because the family includes a minor child. The California Supreme Court concluded that the owner could not, but two justices dissented.

Although the exclusionary policy was challenged on the basis of an impermissible infringement on state and federal constitutional rights of familial privacy and equal protection of the law as well as on the basis of statutory rights, the case was decided under the Unruh Civil Rights Act of California. The court specifically declined to reach either state or federal constitutional contentions. Marina Point, supra, page 497, page 501. The dissent noted that equal protection and due process principles place no restrictions on purely private actions, but affect only state action. Marina Point, supra, page 512.

In general, a case decided by another state court has no precedential value in Alaska. Nevertheless, had the case been decided on federal constitutional grounds the reasoning in the case could have been directly applied. The Alaska court could also have rejected the reasoning of the California court in interpreting the federal constitution. Although each state court interprets its own constitution and its own statutes, the Alaska court relies on case law from other jurisdictions to support similar conclusions.

April 15, 1982

The court could rely on the reasoning in this case, especially if the court were interpreting a statute similar to the Unruh Civil Rights Act of California. However, AS 18.80.230 and AS 18.80.240 differ considerably from the Unruh Act, so I suspect that Marina Point, supra, would be deemed to be of little value in interpreting Alaska law.

The pertinent part of the Unruh Act, Civil Code section 51 provides:

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry or national origin are entitled to the full and equal accommodations, advantages, facilities, privileges or services in all business establishments of every kind whatsoever.

The phrase "all business establishments" has been held to apply to the business of renting housing accommodations. Marina Point, supra, page 501. In addition, the California court has interpreted the statute to prohibit all arbitrary discrimination by business establishments, with the particular bases of discrimination listed (sex, race, color, etc.) being illustrative rather than restrictive. In re Cox, 474 P.2d 992 (California 1970). This judicial interpretation has not been disturbed by the legislature. The court notes that the legislature is presumed to be aware of and to have acquiesced in the judicial construction when it amends a statute without altering the portions that have been construed as was done with the Unruh Act in 1974. Marina Point, supra, page 504. The court bases its holding that an owner may not refuse to rent an apartment to a family solely because the family includes a minor child on the fact that this amounts to arbitrary discrimination within the terms of the Unruh Act as judicially construed.

The pertinent Alaska statutes have not been judicially construed to forbid any arbitrary discrimination as was done in California nor have they been construed to forbid discrimination on any basis other than those specifically listed in the statute. AS 18.80.230 forbids discrimination in public accommodations on the basis of "sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin". (Emphasis added). AS 18.80.240 deals with the discrimination in the sale or rental of real

April 15, 1982

property separately from the section that deals with discrimination in public accommodations. Discrimination is forbidden on the basis of "sex, marital status, changes in marital status, pregnancy, race, religion, color or national origin". Discrimination in public accommodations and discrimination in rental of property are treated the same under the Unruh Act, while discrimination in these two areas are treated differently in Alaska. In fact, AS 18.80.250(1) and (2) specifically authorizes discrimination in the rental of housing as between married and single people. It would be difficult for the court in Alaska to conclude, as the court in California concluded, that the legislature intended to forbid all arbitrary discrimination with respect to the rental of housing. The fact that "parenthood" is included in the list of protected classes for purposes of public accommodations and excluded from the list for purposes of rental housing suggests the opposite, that the legislature intended to forbid discrimination in the rental of housing only on the basis of specifically listed factors.

In conclusion, since the decision in Marina Point, supra, is based on a statutory scheme that differs markedly from the statutory scheme in Alaka, it will have no direct affect on Alaska law.

TBC:ljb

SUB. REF



ALL OF THE FOLLOWING MESSAGES GO TO :

HOUSE LABOR AND COMMERCE, REPRESENTATIVES: FURNACE, UEHLING, RINGSTAD, COWDERY, HUNNELL, LISKA, VASKA, GOLL, LARSON AND REFS. DAVIS, BETTSWORTH KOPONEN, M.W.MILLER AND SENATORS MOSS, FAHRENKAMP, AND BENNETT

RE: HOUSE BILL 131 AN ACT RELATING TO UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL PROPERTY.

FROM: BILL WORTMAN, DISPLACED HOMEMAKERS, 516 2ND AVE. ROOM 220, FAIRBANKS 99701 HOME 479-3624 WORK 456-8428

RE: HB 131

THIS AGENCY SUPPORTS HB131 BECAUSE HOUSING IS ONE OF THE MAJOR PROBLEMS IN FAIRBANKS AT THE PRESENT TIME AND AVAILABLE HOUSING UNITS WHICH DO NOT ALLOW CHILDREN ADDS TO THE EXISTING HOUSING PROBLEM. MANY OF OUR CLIENTS HAVE A DIFFICULT TIME FINDING ACCEPTABLE HOUSING WHICH ACCEPTS CHILDREN.

EOM\*\*\*\*\*

FROM: TERESA A. SNOWDEN, P.O. BOX 60129, FAIRBANKS 99706 HOME 452-7059 WORK 456-8428



RE: HB 131

I SUPPORT HB131 BECAUSE HOUSING IS VERY DIFFICULT TO FIND AND THE DISCRIMINATION AGAINST CHILDREN MAKES IT EVEN MORE DIFFICULT. WE MOVED HERE IN AUGUST AND IT TOOK US UNTIL FEBRUARY TO FIND ACCEPTABLE HOUSING WHICH ACCEPTS CHILDREN.

EOM\*\*\*\*\*

FAIRBANKS 3/31/83

FROM: LESLIE SIMAR, S.R. BOX 40122, FAIRBANKS 99701 HOME 456-5289 WORK 456-8473



RE: HB 131

I SUPPORT HB 131. HOUSING SITUATION IN FAIRBANKS IS A DISGRACE. FEW VACANCIES EXIST AND THESE AT EXHORBITANT RATES. DISCRIMINATION AGAINST PERSONS WHO HAVE CHILDREN IS UNFAIR. CHILDREN AND PETS SEEM TO BE IN THE SAME CATEGORY WHEN RENTING - BOTH UNDESIRABLE. I URGE PASSAGE OF HB 131, PLEASE.

EOM\*\*\*\*\*

HOUSE LABOR AND COMMERCE, REPRESENTATIVES: FURNACE, UEHLING, RINGSTAD, COWDERY, ~~BOYD~~, LISKA, VASKA, GOLL, LARSON AND REFS. DAVIS, BETTISWORTH KOPONEN, M.W.MILLER AND SENATORS MOSS, FAHRENKAMP, AND BENNETT

*Jul, Red*

RE: HOUSE BILL 131 AN ACT-RELATING TO UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL PROPERTY.



FROM: JERADELL DEZARN YOUNG, S.R. BOX 10289.7, FAIRBANKS 99701 HOME 479-5036



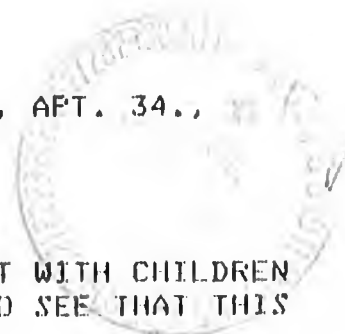
RE: HB131

I SUPPORT THE ADDITION OF THE WORD "PARENTHOOD" TO THE DISCRIMINATION IN HOUSING ACT. LET'S NOT MAKE IT ANY MORE DIFFICULT THAN ALREADY IS TO RENT OR BUY HOUSING.

TO: HOUSE LABOR AND COMMERCE

*FBX 3/31*

FROM: SHARON VAUGHN AND RICHARD BARRICKMAN, 1215 BUNNELL, APT. 34., FAIRBANKS 99701 HOME 456-7341



RE: HB131

I'VE HAVE EXPERIENCED THE PROBLEM OF NOT BEING ABLE TO RENT WITH CHILDREN MANY TIMES AND I WOULD APPRECIATE ANY HELP YOU WILL GIVE TO SEE THAT THIS BILL PASSES.

\*\*\*\*\*

FAIRBANKS 3/31/83

FROM: MARY K. WILTMIRE, 2007 CARP ST., FAIRBANKS, 99701 HOME 456-4985

RE: HB131

I SUPPORT HB131 AS HOUSING IS A MAJOR PROBLEM IN FAIRBANKS. IT IS BECOMING INCREASINGLY HARDER FOR SINGLE PARENTS WITH CHILDREN TO FIND SUITABLE HOUSING. THIS DISCRIMINATION IS UNFAIR AND NEEDS TO BE CORRECTED.

END OF ALL MESSAGES\*\*\*\*\*

JR

March 18, 1983

Charlie Bussell, Chairman  
Judiciary Committee  
House of Representatives  
Pouch V  
Juneau, Alaska 99811



Dear Chairman Bussell:

Re: House Bill 1 and 131

We would like to voice our opposition to the portion of House Bill 1 which allows 45 calendar days, rather than 30 days written notice to terminate month to month tenancy and substantial changes to rental agreements. We believe that 30 days is adequate and would not be especially good for either landlord or tenant. Most people who are renting on a month to month basis want the flexibility of being able to move within a month's time. We believe putting a longer time period on is apt to give landlords reason to require a month and a half rather than last month's rent which would be a hardship on tenants. On the landlord's side we believe the longer time would increase problems and lost rents if you have a tenant problem. Landlords must increase rents to recoup lost revenue so in the long run the tenant is the loser.

We also oppose House Bill 131. in its entirety. It just adds more rules and regulations. Most buildings which can adequately hold children rent to parents so it seems a waste and will only add problems. Also, landlords must know the number of tenants in an apt. and keep records which could be misconstrued as "keeping records of someone's parenthood status".

Please consider these views when the bills come before your Committee.

Sincerely,

A handwritten signature in cursive script that reads 'Ken &amp; Arlene Brovald'.

Ken & Arlene Brovald  
3524 Alamosa Drive  
Anchorage, Alaska 99502

## The drunken slaughter must halt

The ~~cars~~ are gone but the pain, emptiness and grief remain. Haunting memories have returned. It is a nightmare I've lived through three times in thirteen years.

In what was called the worst accident in Anchorage my 17-year-old niece, one of three Anchorage East High cheerleaders, was killed by a drunken driver as she returned from a wrestling match in 1970.

In 1977, another niece was assisting a motorist on the Seward Highway when she was struck and killed, again by an impaired driver.

Two weeks ago tragedy struck again. While I have yet to learn all the details, I do know my lovely young 20-year-old nephew was obeying all traffic laws and minding his own business when his vehicle was smashed into by a participant in a drag race on Benson Blvd. Police records indicate drinking, speeding and running a red light. My nephew is now dead.

I know that nothing I can do can bring my nephew back but I feel I can and must attempt to save the lives of others like he and my two nieces.

I have questions and I want answers. Those who read this should want answers, too!

Why was there no publicity surrounding my nephew's accident? I'm aware of two other accidents involving similar circumstances the same evening. All three accidents occurred sometime after a concert at the Sullivan Sports Arena. None of them received any media attention. Why?

Ironically, the following week there were public hearings regarding the sale of beer and wine at the arena. Is the city so interested in the profit of such sales that information about accidents on the night of concerts are routinely and purposefully suppressed? I would suggest the municipal fathers take another look at this issue. If we are truly attempting to rid ourselves of the menace of drunken drivers it astounds me to think our municipal government is pushing the sale of intoxicating beverages and suppressing the possible consequences. You can be assured I will be knocking on the door of the mayor and members of the assembly to see this decadence stopped.

MADD, I'll be knocking on your door too. It is time for the wanton slaughter of innocent people on our roads and highways to cease forever.

— Mrs. Lucy Whitehead

News

3/10/83

Share our feelings, too  
Ally Brewer

Comments Regarding HB 131

from a landlady of 17 years experience owning a 4-plex of three bedroom units across the street from an elementary school.

The purpose of owning rental property is to make a profit. The way to do this is to rent at a price which covers expenses plus a profit equal to what you would get if the capital were invested elsewhere plus a factor for management. In the case of the owner of one 4-plex, this management factor is usually represented by his own time and energy.

In an era when the State is being asked to provide endless social services, cultural uplift, sports palaces, indoor high school hockey j rinks, senior citizen recreation centers, free abortions, birth control pills for minors without parental notification, etc., it would seem that the State would appreciate a small business person trying to provide for their own retirement.

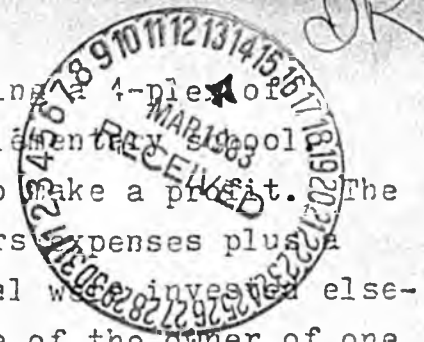
Unless the State wishes to take over the rental housing industry with its risks - it would do well to make the laws as clear, brief and non restrictive as possible regarding that industry.

The repeated references to parenthood in this bill are disturbing because it is not clear whether this means parenthood or children. We at Alaska Landlord and Property Managers Ass'n. of which I am on the executive board, had always thought it meant a human being who was a father or a mother. The Human Rights Commission in Anchorage seems to think it means parents with children occupying the same dwelling unit. There seems to be little or no case law on the subject.

It is immaterial to me whether a tenant has experienced parenthood or not. However, a tenant with a child between 15 months and 8 yrs. living with him is a different matter. I have found that putting tenants with such children on the upper floor disturbs the tenant below. It is primarily the sound of their running and playing over head that bothers the lower tenant. This is very real. It is much more satisfactory for all concerned to put such families on the lower level of my 4-plex. Also I am selective of the parents; do they appear to be able to control the kids in respect to others' property and their quiet enjoyment of the areas they share in common with other tenants?

I consider families with children desirable because they stay longer. I am very strongly against #131 because I would lose tenants if I had to place certain children in those upper units.

Alice Brewer  
1201 West 45<sup>th</sup> Ave  
Anchorage Alaska 99503



JR

March 15, 1983



Mr. Walter Furnace  
House of Representatives  
Juneau, Alaska 99811

Dear Mr. Furnace,

I am writing concerning HB 131 which is up for consideration before the Labor and Commerce Committee. Let me say that I as a landlord and property owner am opposed to any legislation that will make a criminal out of me because I am compelled by law to rent, lease any of my property to anyone who may cause damage, or by their actions or life style cause problems for me. I have no quarrel with the sex, race, religion, or national origin but I do feel that because of the nature of some of my rentals I have to be able to exercise some control over to whom I rent. Some of my tenants work irregular hours and need to have quiet, this may not be possible if I were compelled to rent to tenants with children. In some instances when I do rent to tenants with children, I feel that I should have the right to determine the number of children I feel the apartment can comfortably and safely accomodate. We are becoming more aware of child abuse and I feel that over-crowded conditions contribute to this social problem.

Also, I feel that the sale and rental of property are two different ball games. As long as I own the property I have to be responsible for the condition of the property and the welfare of the other tenants. If I chhose to sell the property, and I am referring more to single family dwellings, then it becomes the property of the buyer and he is turn can do with the property as he wishes without having to concern himself with the well-being of the other tenants.

I trust you will take into consideration some of the rights of the property owners as well as the tenant when you review this bill. As a property owner, I have a much larger investment in my property than a tenant who at most may have a few hundred dollars set aside as a security deposit. In most cases the security deposit will not begin to compensate for the damage an inconsiderate tenant can do.

Sincerely,

Ralph S. Hanson  
12 1/2 East Potter Dr.  
Anchorage, Alaska 99502

- cc: Mr. Charles Russell
- Mr. Rick Uehling
- Mr. Cowder
- Mr. Joe Hayes
- Ms. Kanona Barnes
- Mr. John Lindauer