

ALPHABETICALLY LISTED

1727 HB - 339 ST 356

April 26, 1982

I agree that subparagraphs (b)(1) and (b)(2) on Page 1, Lines 27-29 and Page 2, Lines 1 and 2 be combined, and (b)(3) be eliminated - as suggested by Senator Ray.

Respectfully submitted,

A handwritten signature in cursive script that reads "Phil R. Holdsworth". The signature is written in dark ink and is centered on the page.

Phil R. Holdsworth

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for HB 339
 Title Judicial Review of Administrative Regulations
 Requested by House Judiciary Date 2/5/82

II. FISCAL DETAIL

Agency Affected Alaska Court System
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 2/9/82 PREPARED BY Richard P. Barrier
 AGENCY Alaska Court System
 Original: Legislative Finance PHONE 264-0546
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. CSHB 339
Title "An act relating to the judicial review of administrative regulations."
Requested by Rep. Barnes, House Judiciary Date 2/5/82

II. FISCAL DETAIL
Agency Affected Department of Law
Program Category Affected General Government
BRU, Program, Or Subprogram(s) Affected Legal Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) ..

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	Ø	Ø	Ø	Ø	Ø	Ø

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	Ø	Ø	Ø	Ø	Ø	Ø
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	Ø	Ø	Ø	Ø	Ø	Ø
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No fiscal impact is anticipated by the department through the enactment of this bill.

IV. DATE February 8, 1982 PREPARED BY Richard I. Peques, (Director, Admin. Svcs.)
AGENCY Department of Law
PHONE 465-3672
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

Richard I. Peques

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 339(SA) am
 Title Relating to Judicial Review of Administrative Regulations
 Requested by Representative Metcalfe Date April 1, 1982

II. FISCAL DETAIL

Agency Affected Administration
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

HB 339 as amended will have no fiscal impact on the Department of Administration.

IV. DATE April 1, 1982

PREPARED BY Kenneth R. Ryal
 AGENCY 65-2277

Original: Legislative Finance PHONE _____

cc: Budget and Management

Prime Sponsor (First Legislator Named) Metcalfe, Abood, Barnes et al
 33-001 (Rev. 12/81) Office of the Governor: Keith Specking

alaska
state
hospital
association

319 Seward St., Juneau, Alaska 99801 • (907) 586-1790
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President
Dennis L. DeWitt
Juneau

January 26, 1982

The Honorable Ramona L. Barnes
State Capitol
Pouch V
Juneau, AK 99811

Dear Representative Barnes:

SUBJECT: CSHB 339

The Alaska State Hospital Association wishes to indicate its support for CSHB 339 which is before the Judiciary Committee for consideration.

We believe that regulations are an important and justifiable activity and do in most cases protect the public. As an industry which as institutions must abide by licensure regulations developed by the Department of Health and Social Services, as employers must respond to the Department of Labor, as employers of nurses must abide by regulations promulgated by the Department of Commerce and Economic Development, and so forth, we believe we have some feeling for interaction with the regulatory process. We are finding, however, that regulators are beginning to regulate, not because of a public need, but because the regulator believes the regulation is a nice idea. One supported by the regulator and not precluded by law.

This Association believes that CSHB 339 will return regulation to its proper role, that of protecting the public by responding to demonstrated need. It will preclude the use of regulation to foster the ideology of the regulator.

In this time of concern about health care costs it is important that government not unnecessarily increase costs through unnecessary regulation. We believe CSHB 339 will help achieve that goal.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis L. DeWitt", written in a cursive style.

Dennis L. DeWitt
President

DLD:jp

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: (907) 465-4100

December 1, 1981

Honorable Ray Metcalfe, Chairman
House State Affairs Committee
600 W. 41st Ave., Suite 201-A
Anchorage, AK 99503

Dear Mr. Metcalfe:

I regret that a representative of the Department of Fish and Game was not able to attend your hearing of November 23, 1981. I do appreciate the opportunity to comment in writing, particularly since three of the items you will have discussed could seriously impact the Department's and Boards of Fisheries' and Game's ability to manage the State's fish and game resources in an efficient manner that benefits the public.

HB 339

The substitution of "absolutely" for "reasonable" in AS 44.62.030 has the very real potential of having the courts negate all regulatory actions relative to fish and game management. The Boards of Fisheries and Game were established for the purpose of conservation and development of fish and game resources and may adopt regulations to accomplish those goals (AS 16.05.221, 251, and 257). Groups such as Greenpeace could challenge that sport hunting of Dall sheep is not absolutely necessary for conservation and development of that resource; the court would issue a temporary restraining order closing the season until the State could prove the regulation was absolutely necessary and the State would lose recreational opportunities and income. Similarly, spinning lure fishermen could challenge regulations establishing fly fishing only areas and commercial fishermen could challenge regulations that ensure an equitable harvest for sport fishermen. As you can see, these types of litigation could very easily hinder management of the resources and create frustration and animosities between resource users.

HB 340

First of all, I would like to say that statement number (1) of the findings is an insult to those citizens of the State that have donated their time to serve on the Boards of Fisheries and Game. These people have been selected by the Governor, confirmed by the Legislature, and have maintained a very high level of integrity and justice in their decisions on management of the State's resources. Rather than prejudice their abilities, I would recommend that if you are not satisfied with their performance you recommend to the Governor that they be removed. If you think the Boards have acted beyond their statutory authority, then amend that authority by making it more specific.

December 1, 1981

The requirement for legislative approval of regulations before they become effective could seriously delay implementation of fish and game management systems. The Boards currently meet twice a year to consider proposals for changes to hunting and fishing regulations. These meetings are timed to allow the greatest amount of input and involvement from the public, provide the best and most current data, and to ensure that any changes made are in place and the public so informed before the start of the various seasons. The Legislature is a very busy body with tremendous responsibilities and heavy work loads and thus will not have the time to devote to fish and game resource issues that the Boards do. The issues may not be a legislative priority compared to oil and gas revenue, power projects, social programs, etc. with the result that new resource management programs may not be approved by the Legislature early enough in a session to be in place by the mid-April start of some of the major commercial fisheries.

In the case of fish and game management, the establishment of a citizen's review committee is not warranted. Fish and game regulations are reviewed annually by three public bodies: local Fish and Game Advisory Committees, Regional Resource Councils, and the Boards. To insert another committee made up of people attuned to issues other than fish and game would frustrate the present system and increase the administrative burden of the Department.


HJR 28

The Legislature has mandated broad public input in the formalization and adoption of fish and game regulations by its creation of public regulatory bodies (the Boards), public advisory bodies (local Advisory Committees), and the Administrative Procedures Act. The adoption of the proposed constitutional amendment would allow a committee or committees to annul a regulation that had gone through this extensive public review. This would be frustrating those who have involved themselves in the above public process only to find that some small, influential group had convinced a legislative committee to annul a regulation. Eventually the public would turn to the Legislature rather than the other public groups as the decision making body.

In summary, the bills reviewed would hinder efficient and equitable management of the State's fish and game resources and frustrate the present systems established to maximize public involvement in the decision making process.

I thank you again for the opportunity to comment on these bills and request the chance to submit additional comments in the future.

Sincerely,



Ronald O. Skoog
Commissioner
(907) 465-4100

Summary of Attached Legislative Proposals:

Designed to Bring About Reduction in Regulation and Regulative Authority

The attached legislative proposals consist of three separate bills. The first of the three bills is relatively simple and stands by itself on its own merits. The other two proposals become far more complicated and are basically companion pieces of legislation.

Under current Alaska Law, any department who has the authority to promulgate regulation may do so at any time which it is able to rationalize under its own initiative that the regulation it desires is reasonably necessary, for the purpose of implementing the intent of the Legislature on any given piece of legislation that grants the authority to the department to promulgate regulations for the purpose of implementing a statute.

The first half of the legislative proposal changes the circumstances under which a department can promulgate regulation. The passage of this legislation would remove the term "reasonably necessary" for the purpose of implementing legislative intent and replace the language with terminology that would require promulgated regulations to be "absolutely necessary" before they could be promulgated.

Also under current law, if a private citizen were to challenge a regulation on the basis that it was not "reasonably necessary", the burden falls upon the challenging party to prove that a regulation was not reasonable. In the absence of proof that it is "not reasonable", the regulation is sustained and left on the books.

Should this legislative proposal become law, the burden of proof would reverse. Any private citizen challenging a regulation would then place the burden on the State and the regulating authority to prove that in fact the regulation was "absolutely necessary for the purpose of implementing the intent of the legislature".

In the absence of proof by the State that the challenged regulation was "absolutely necessary", the regulation would be stricken from the Alaska Administrative Code.

The goal of the change in the law would be to reverse the current rate of growth of the Administrative Code. Currently, the incentives under the law are resulting in a constant growth of regulation. This proposal would provide a release valve that would allow regulation to trickle away at a rate that would be hopefully equal to, if not faster than the rate at which it currently trickles into the Administrative Code.

The following two legislative proposals are far more complicated.

To this point, the Legislature has always shied away from requiring a sunset of regulations. The dominant reason is because many members of the Legislature feel that this would create an avalanche of paper work reviewing regulations for the purpose of either sustaining them or allowing them to automatically expire and be removed from the code.

The attached regulation sunset proposal would require the creation of a citizen committee to undertake the initial avalanche of paper work resulting from the regulatory review.

Following a two year review, the citizen's committee would report to the Legislature regulations which it recommended to be sunset, regulations which it recommended to be sustained, and regulations which it found to be too controversial and felt should be reviewed by the legislature.

Following the completion of the committee's work and the dissolving of the committee, all regulations not sustained by the Legislature would be automatically removed from the Administrative Code. From that point on all regulations would periodically come up for review on a rotating basis at which time, they would be either allowed to fall by the wayside or found to be important enough to be sustained by the Legislature.

Even with required reviews being rotated over a period of years, most Legislators feel that even that amount of review would cause an avalanche of paper work adding months to the length of any given legislative session. Therefore, it seems that there is a need to divide and delegate the review authority. To do so would require a constitutional amendment.

Until a recent Supreme Court decision, the Legislature occasionally exercised it's authority to annul regulations via a resolution of both houses of the Legislature. A recent Supreme Court decision now has given regulations the full authority and weight of statutes acted upon by the Legislature. As a result of the court decision, it is now necessary for a bill rather than a resolution to be pushed through the entire legislative process in order to remove a regulation.

Prior to the Supreme Court decision, the Legislature made some use of it's assumed authority to annul regulations via the resolution. But without the incentive of the required regulation review, compound with the disincentive that stems from the requirement that the entirety of each body act in unison to review and overrule a regulation has resulted in very little annulment of regulation.

The attached proposed constitutional amendment not only re-establishes the authority to annul regulations via resolutions, it goes one step further to delegate that authority to the respective committees that are normally charges with the duty of dealing with the department that wrote the regulation. (Example) If the Dept. of Transportation were to promulgate a regulation, a joint resolution, by the House Transportation Committee and the Senate Transportation Committee could annul that regulation.

Although the annulment of a regulation would be removed from the scrutiny of the entirety of each body of the Legislature, the work load would be divided sufficiently to insure that the job was done. Secondly, Joint Committees of the Legislature would be far more representative of the feeling of the public than would a single bureaucrat hidden within the bureaucracy who is not subject to public opinion at election time.

Please review the attached legislative proposals and share with me whatever thoughts you might have that you feel would improve upon their intent.

MEMORANDUM

State of Alaska

TO: Keith Specking
Legislative Assistant
Governor's Office

DATE: April 1, 1982


FILE NO:

TELEPHONE NO:

465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: CSHB 339(SA) am --
Judicial Review of
Administrative
Regulations

By: 
Arthur H. Peterson
Assistant Attorney General

As you know, this bill has passed the House and is now in the Senate Judiciary Committee. The version that passed the House is worse than the version that came out of the State Affairs Committee, but perhaps not as bad as the original one (which would have required regulations to be "absolutely necessary"). The bill presents several very serious problems and definitely should not be enacted. A very brief description of some of those problems is set out in the attached fiscal note, prepared by this department's director of administrative services. Also attached is a draft of a proposed committee substitute which we believe the executive branch could live with.

The attached draft bill is a compromise. The Department of Law firmly believes that the existing law should not be amended. It is consistent with the overwhelming weight of administrative law throughout the country. In addition, it has served Alaska well.

If CSHB 339(SA) am should be scheduled for a committee hearing in the Senate, the Department of Law plans to be represented in order to oppose the bill. The prime sponsor of the bill has said that his intent is to "narrow the window" through which regulations may be adopted, thus perhaps reducing the number of regulations. That objective could be met, at least in part, without such a violent upheaval of the law in this area, by the attached proposed committee substitute bill.

The current title of the bill is not really as descriptive as it might be, but, for the moment, I have used it on the attached draft. It probably should be changed, whether or not this draft is accepted.

WLC/AHP/lw

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 339 (State Affairs)
 Title "An Act relating to the judicial review of administrative regulations."
 Requested by The Office of the Governor Date March 22, 1982

II. FISCAL DETAIL

Agency Affected Department of Law
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected Legal Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		155.9	168.4	181.9	196.5	212.2
200 TRAVEL		10.0	10.8	11.7	12.6	13.6
300 CONTRACTUAL		22.0	23.8	25.7	27.8	30.0
400 COMMODITIES		10.8	5.2	5.6	6.0	6.5
500 EQUIPMENT		14.0	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		212.7	208.2	224.9	242.9	262.3

FUNDING (Thousands of Dollars)

GENERAL FUND		212.7	208.2	224.9	242.9	262.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME		3.0	3.0	3.0	3.0	3.0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This bill changes the judicial standard of review for the state's administrative code from "reasonably necessary" to "there is a clearly demonstrated need for the regulation." The department anticipates that the primary regulatory areas which will be challenged as a result of this bill will be those with high monetary values, such as the permitting regulations which govern oil and gas drilling and development. Regulations which deal with the public health aspects of food preparation and food processing are also likely candidates for challenge. Because the new burden of proof, provided by this bill, will be very great, it will be necessary for the state to increase its legal resources to advise the various agencies and to defend against those kinds of challenges.

IV. DATE April 1, 1982 PREPARED BY Richard I. Pegues, Director, Admin. Svcs.
 AGENCY Department of Law
 Original: Legislative Finance PHONE 465-3672
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

The addition of two attorneys and one legal secretary will be required to deal with problems and to defend against expected challenges, particularly those which will arise from the highly complex resources development area. The department notes that the sole exclusion of certain Board of Fisheries and Board of Game regulations, exempted by the bill from the new standard, may, by their exemption, be the cause of additional litigation.

Lastly, the department notes that it may be impossible to prove that the costs to the private sector of the regulations will not adversely affect the economic viability of private business, as provided for in AS 44.62.030(3). In a depressed marketplace, the cost of regulations may well affect the viability of a marginally profitable business. The effect of this section appears to exempt those businesses which would be so affected. In the case, for instance, of a depressed canned salmon market the exemption of the industry from the state's public health regulations could prove disastrous, both socially and economically. In addition, some regulations will require some businesses to spend additional money. Is that expenditure an "adverse" effect? What, exactly, is the "economic viability" contemplated by this statute? This provision is almost certain to cause prolonged and costly litigation.

Cost Detail

Personal Services:

1 Attorney IV (24A) (Anchorage)	\$ 64,241
1 Attorney IV (24A) (Anchorage)	64,241
1 Legal Secretary I (10B) (Anchorage)	27,388
	<u>\$155,870</u>

Travel:

\$5,000 for each attorney for litigation and witness travel; 2 x 5,000 =	\$ 10,000
	<u>\$ 10,000</u>

Contractual:

Communications and copying expense \$500 per attorney, per month; 500 x 2 x 12 =	\$ 12,000
Expert witness and other outside litigation expense	10,000
	<u>\$ 22,000</u>

Commodities:

Expendable desk top materials \$100 per month, per month, per employee, 100 x 3 x 12 =	\$ 3,600
Recurrent library expense	1,200
Startup library and office furniture (one-time)	6,000
	<u>\$ 10,800</u>

Equipment:

New position equipment 600 x 3 = (one-time)	\$ 1,800
Word processor (one-time)	12,200
	<u>\$ 14,000</u>

Total Costs: \$212,670

Costs beyond FY83 have been increased using an 8% annual inflation factor.

H B

3 5 6

COMMITTEE REPORT

SENATE

FURTHER: None

5/21/81

Date: March 29, 1982

Mr. President:

The Committee on JUDICIARY has had CSHB 356(Jud)
unlawful practices in the sale or rental of real property

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

SENATE AMENDMENT

By Judiciary Committee

To: _____ SENATE BILL No. _____

To: Committee Substitute for HOUSE BILL No. 356

PAGE: 1 LINE: 11

After property insert (a)

On page 2, line 19, add a new subsection:

(b) This section does not apply to the sale or rental of dwelling units in Pioneer Homes or other housing provided to senior citizens by the federal government, state government, a political subdivision of the state or a non-profit organization.

****PLEASE NOTE****

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA STATE ARCHIVES TO VIEW THE ORIGINAL.

NEWSPAPER

2 PAGES

"ANCHORAGE TIMES"

(CLASSIFIED SECTION)

MONDAY JUNE 1, 1981

TUESDAY JUNE 2, 1981

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 1978 Los Angeles newspaper survey. Follow-up phone calls to the remaining ads (unshaded) revealed an additional 50% would not accept children.



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

PREFACE

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

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

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

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

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

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

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

SUMMARY

The findings of this study are as follows:

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

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

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

In contrast, the same type of survey in San Francisco, which has an ordinance prohibiting "no-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."¹)

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

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

Similarly, female-headed renter households with children tend to

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

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

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

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

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

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

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

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

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*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

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

--Kenneth Keniston

INTRODUCTION

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

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

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

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

THE HOUSING SHORTAGE FOR RENTERS WITH CHILDREN

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

Low Vacancy Rates

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

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

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

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

High Cost of Homeownership

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

Table 1

VACANCY RATES

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

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

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

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

Exclusion of Families with Children from Existing Rental Units

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

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

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

¹ Southern California Association of Governments

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

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

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

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

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

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

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

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

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

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

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

Exclusion of Families from Newly-Constructed Rentals

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

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

Table 2

ACCEPTANCE OF CHILDREN BY NUMBER OF BEDROOMS

No. of Bedrooms	Accept Children		No Children		Age Restricted		Total	
	#	%	#	%	#	%	#	%
Fresno								
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	55.3%	17	22.6%	517	100.0%
Los Angeles								
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%
San Diego								
0	18	20.5%	65	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%
San Francisco								
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%
San Jose								
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%

Source: Fair Housing Project Survey, 1979

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

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

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

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

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

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

ECONOMIC IMPACT OF DISCRIMINATION
AGAINST RENTERS WITH CHILDREN

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

Higher Rents

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

Table 3 shows the survey results 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.

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

Table 3
ACCEPTANCE OF CHILDREN BY RENT CATEGORY

Rent Category	Accept Children		No Children		Age Restricted		Total	
	#	%	#	%	#	%	#	%
<u>Fresno</u>								
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%
<u>Los Angeles</u>								
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%
<u>San Diego</u>								
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%
<u>San Francisco</u>								
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%
<u>San Jose</u>								
0 - 149	0	-	1	100.0%	0	-	1	100%
150 - 249	19	19.4%	74	75.5%	5	5.1%	98	100%
250 - 349	40	23.8%	120	71.4%	8	4.8%	168	100%
350 - 449	9	17.3%	30	57.7%	13	25.0%	52	100%
450+	3	42.9%	3	42.9%	1	14.3%	7	100%
Total	71	21.8%	228	69.9%	27	8.3%	326	100%

Source: Fair Housing Project Survey, 1979

Table 4

MEDIAN RENTS BY NUMBER OF BEDROOMS*

<u>No. of Bedrooms</u>	<u>Accept Children</u>	<u>No Children</u>	<u>Age Restricted</u>
Fresno			
0	N.A.	\$125	N.A.
1	\$185	\$185	\$187
2	\$218	\$226	\$207
3+	\$337	\$275	\$200
Overall Median	\$214	\$209	\$207
Los Angeles			
0	N.A.	\$404	\$313
1	\$338	\$328	\$297
2	\$366	\$347	\$411
3+	\$515	\$418	\$338
Overall Median	\$380	\$348	\$371
San Diego			
0	\$232	\$183	\$217
1	\$233	\$222	\$221
2	\$273	\$248	\$239
3+	\$325	\$316	\$316
Overall Median	\$246	\$239	\$228
San Francisco			
0	\$218	\$263	N.A.
1	\$339	\$463	N.A.
2	\$455	\$525	N.A.
	\$514	N.A.	N.A.
Overall Median	\$381	\$460	N.A.
San Jose			
0	\$204	\$225	N.A.
1	\$267	\$246	\$238
2	\$309	\$298	\$292
3+	\$375	\$366	\$382
Overall Median	\$296	\$276	\$352

*unfurnished units

Source: Fair Housing Project Survey, 1979

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

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

Inadequate Housing Conditions

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

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

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

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

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

Table 5

**"HOMES UNLIMITED" SURVEY
(LOS ANGELES)**

	1976 1746 Listings			1977 2689 Listings			1978 6059 Listings			Total 10,494 Listings		
	No.	%	Avg. Rent	No.	%	Avg. Rent	No.	%	Avg. Rent	No.	%	Avg. Rent
"ACCEPT CHILDREN"	440	25.2%	\$390	985	36.6%	\$468	1817	29.9%	\$471	3242	30.9%	\$460
Single	7		204	25		181	59		201	91		196
1 Bedroom	73		223	93		257	182		292	348		268
2 "	223		365	520		463	960		454	1703		445
3 "	119		500	327		561	560		559	1006		553
4 "	13		690	20		635	53		753	86		716
5+ "	5		775	-		-	3		875	8		813
"NO CHILDREN"	678	38.8%	\$252*	1077	40.0%	\$321	2529	41.7%	\$331	4284	40.8%	\$316
Single*	170		157	234		193	520		205	924		193
1 Bedroom	242		206	439		282	1077		301	1758		283
2 "	245		350	372		431	864		434	1481		419
3 "	18		406	31		561	66		472	115		486
4 "	3		423	-		-	2		380	5		405
5+ "	-		-	-		-	-		-	-		-
"WILL CONSIDER"***	409	23.4%	\$375	495	18.4%	\$335	1271	20.9%	\$425	2175	20.7%	\$418
Single	5		177	17		182	51		200	73		194
1 Bedroom	90		229	68		288	263		300	421		283
2 "	212		371	295		433	695		435	1202		423
3 "	100		524	108		562	251		560	459		552
4 "	2		425	7		639	11		758	20		683
5+ "	-		-	-		-	-		-	-		-

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

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

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

- The Census/HUD Annual Housing Survey for San Francisco, San Diego, and Los Angeles
- The California Statewide Housing Plan and other materials supplied by the California Department of Housing and Community Development (HCD)

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

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

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

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

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

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

Table 6

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

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

* Less than 1%.

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

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

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

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

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

Table 7

INADEQUATE HOUSING CONDITIONS FOR TWO OR MORE PERSON HOUSEHOLDS BY INCOME
(PENTERS 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	3%
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%	11.2	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	6.5	6.4	98%	5.5	5.3	96%
\$ 7,500-\$14,999	11.4	6.7	59%	8.9	4.0	45%
\$15,000-\$22,499	8.0	1.6	20%	5.8	0.3	6%
\$22,500-\$34,999	2.7	0.4	14%	2.1	*	2%
\$35,000 and up	1.4	0.1	6%	1.0	*	2%
Total	29.9	15.2	51%	23.4	9.6	41%

* less than 0.1%

Table R
**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	564.2	248.7	37%	175.5	42.3	24%
5 or more persons	169.3	202.7	55%	14.4	7.7	54%
Total	1122.0	508.5	45%	1199.0	388.8	32%
<u>City of Fresno</u>						
2 persons	1.1	0.8	74%	11.7	4.5	39%
3-4 persons	7.9	3.1	39%	2.7	0.5	20%
5 or more persons	6.4	3.1	48%	0.2	0.1	46%
Total	15.4	7.0	46%	14.6	5.1	35%
<u>City of Los Angeles</u>						
2 persons	19.0	12.4	65%	165.2	57.3	35%
3-4 persons	114.7	45.4	40%	24.5	9.2	38%
5 or more persons	59.0	35.8	61%	1.4	0.7	51%
Total	192.7	93.6	49%	191.1	67.2	35%
<u>City of San Diego</u>						
2 persons	2.8	2.0	71%	32.5	13.2	41%
3-4 persons	20.8	9.1	44%	6.0	2.7	44%
5 or more persons	9.8	5.0	51%	0.9	0.5	50%
Total	33.4	16.1	48%	39.4	16.4	42%
<u>City of San Francisco</u>						
2 persons	4.2	3.2	77%	59.0	22.4	38%
3-4 persons	27.8	12.3	44%	11.7	4.1	35%
5 or more persons	16.3	8.5	53%	0.9	0.5	50%
Total	48.3	23.9	50%	71.6	27.0	38%
<u>City of San Jose</u>						
2 persons	1.7	1.3	73%	18.5	7.2	39%
3-4 persons	17.7	7.7	43%	4.3	2.1	48%
5 or more persons	10.5	6.3	60%	0.6	0.3	50%
Total	29.9	15.2	51%	23.4	9.6	41%

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

Table 8a
SUMMARY OF STATE PERCENTAGES FROM TABLE 8

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

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

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

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

Table 9
 PERCENT OF INADEQUATELY HOUSED TWO-PERSON HOUSEHOLDS BY INCOME
 (RENTERS WITH CHILDREN COMPARED TO RENTERS WITHOUT CHILDREN)

	\$0 to <u>\$7,499</u>	\$7,500 to <u>\$14,999</u>	\$15,000 to <u>\$22,499</u>	\$22,500 to <u>\$34,999</u>	<u>\$35,000 or more</u>	<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%	71%
Without Children	90%	45%	9%	5%	0%	38%
<u>City of San Jose</u>						
Two-Person Renters						
With Children	100%	60%	8%	0%	0%	73%
Without Children	84%	46%	3%	*	0%	39%

*less than 1%

SOCIAL AND PSYCHOLOGICAL IMPACT

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

Effect on Children

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

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

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

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

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

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

Impact on Minority and Female-Headed Households

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

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

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

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

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

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

CALIFORNIA RENTERS

FEMALE
TOTAL

FEMALE
WITH
CHILDREN



616,200



384,800

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

CALIFORNIA RENTERS



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

CALIFORNIA RENTERS

BLACK
TOTAL

BLACK
WITH
CHILDREN

399,000

41%
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%	55%
San Francisco	55%	55%	66%	46%	75%
San Jose	28%	47%	42%	24%	60%

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

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

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

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

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

Clustering/Segregation

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

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

¹ Elias, Ibid., June 20, 1979.

Table 11

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

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

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

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

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

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

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

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

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

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

Table 12

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

Census Tracts With Concentrations of Renters With Children

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

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

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

Orfield, p. 81.

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

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

LANDLORD CONCERNS

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

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

Property Values

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

Maintenance Costs

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

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

¹ Home Federal Savings and Great Western Savings & Loan Association

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

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

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

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

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

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

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

Insurance Rates

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

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

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

Building Modifications/Safety Standards

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

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

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

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

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

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

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

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

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

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

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

--a national goal since 1949
--a state goal since 1970

CONCLUSIONS AND RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

A P P E N D I X

"A"

Survey Forms

Compiled by: _____

Apartment Survey

City: _____

Newspaper/Date: _____

"AGE RESTRICTIONS"

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

-45-

TOTAL NO. OF UNITS IN EACH BUILDING CONTACTED (office use)

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

(cont. on back)

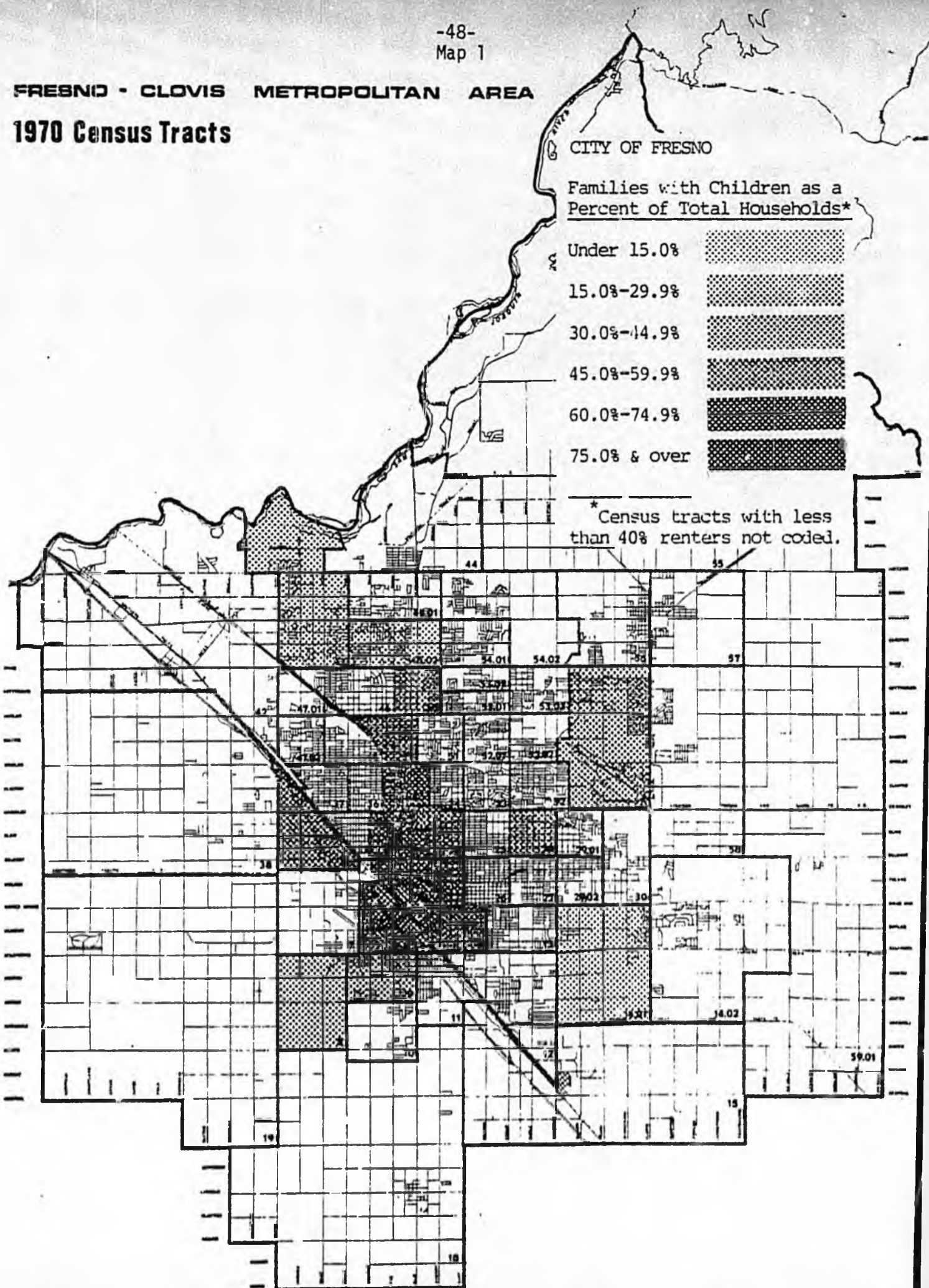
A P P E N D I X

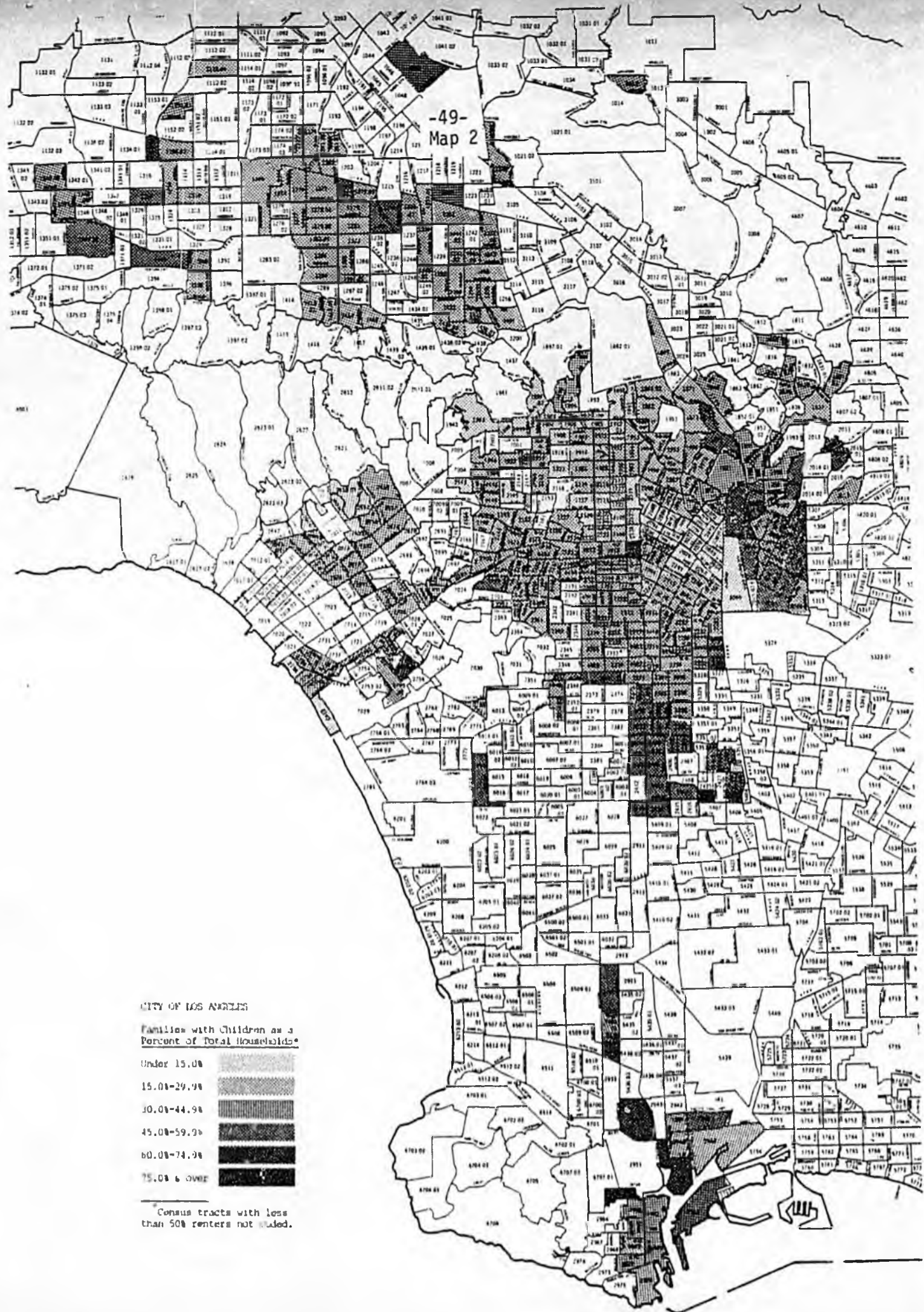
"B"

Age Clustering Maps

FRESNO - CLOVIS METROPOLITAN AREA

1970 Census Tracts





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%

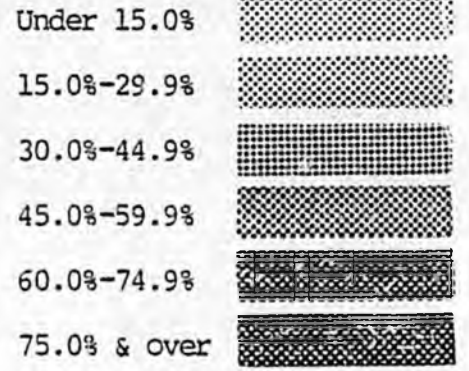
* Census tracts with less than 500 renters not included.

83.09

MIRA MESA

CITY OF SAN DIEGO

Families with Children as a
Percent of Total Households*



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

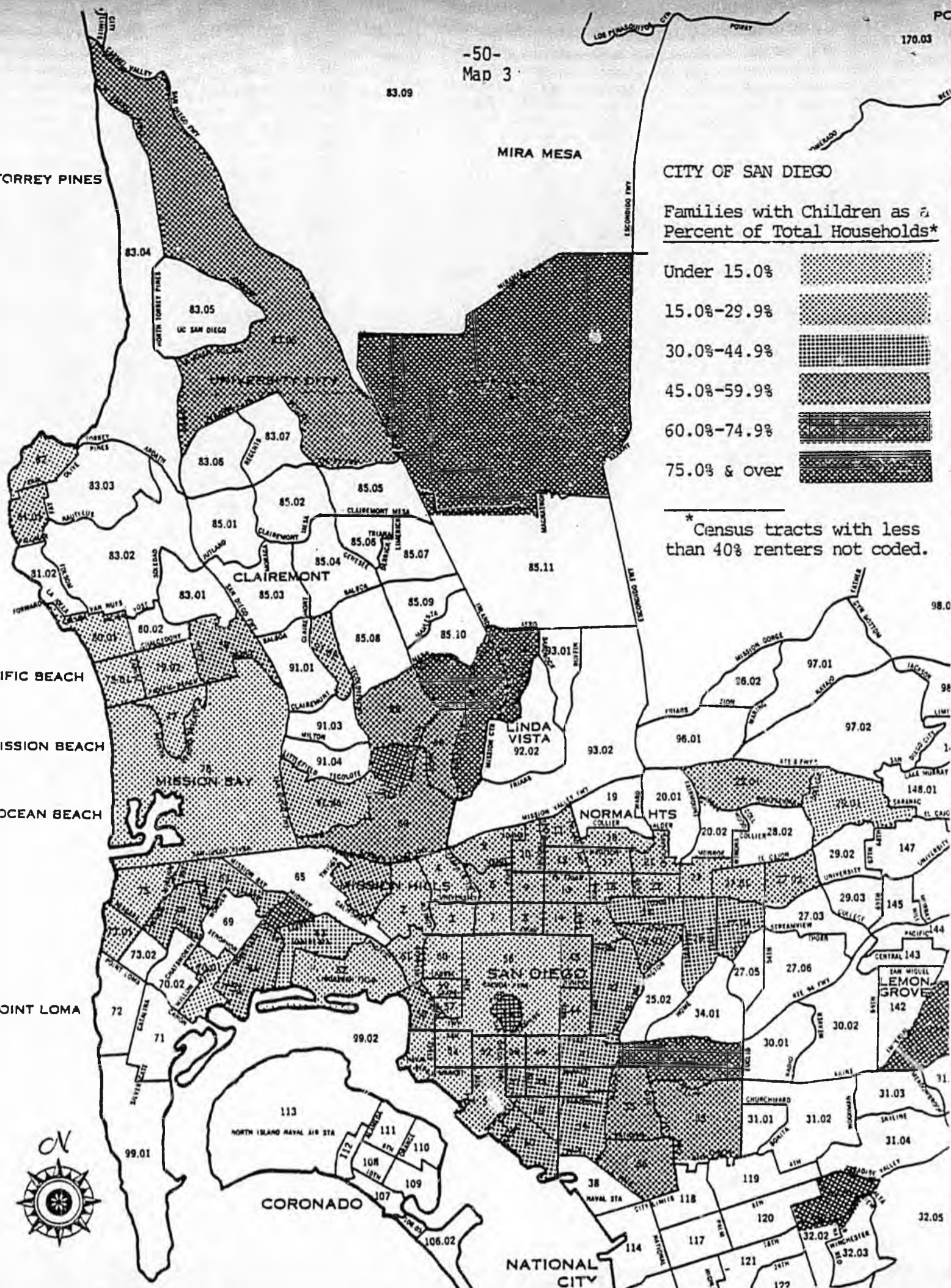
TORREY PINES

MISSION BEACH

MISSION BEACH

OCEAN BEACH

SAN LUIS OBISPO



83.05
UC SAN DIEGO

83.01
CLAIREMONT

92.02
LINDA VISTA

20.01
NORMAL HTS

SAN DIEGO

113
CORONADO

NATIONAL CITY

98.0

98

148.01

147

145

143

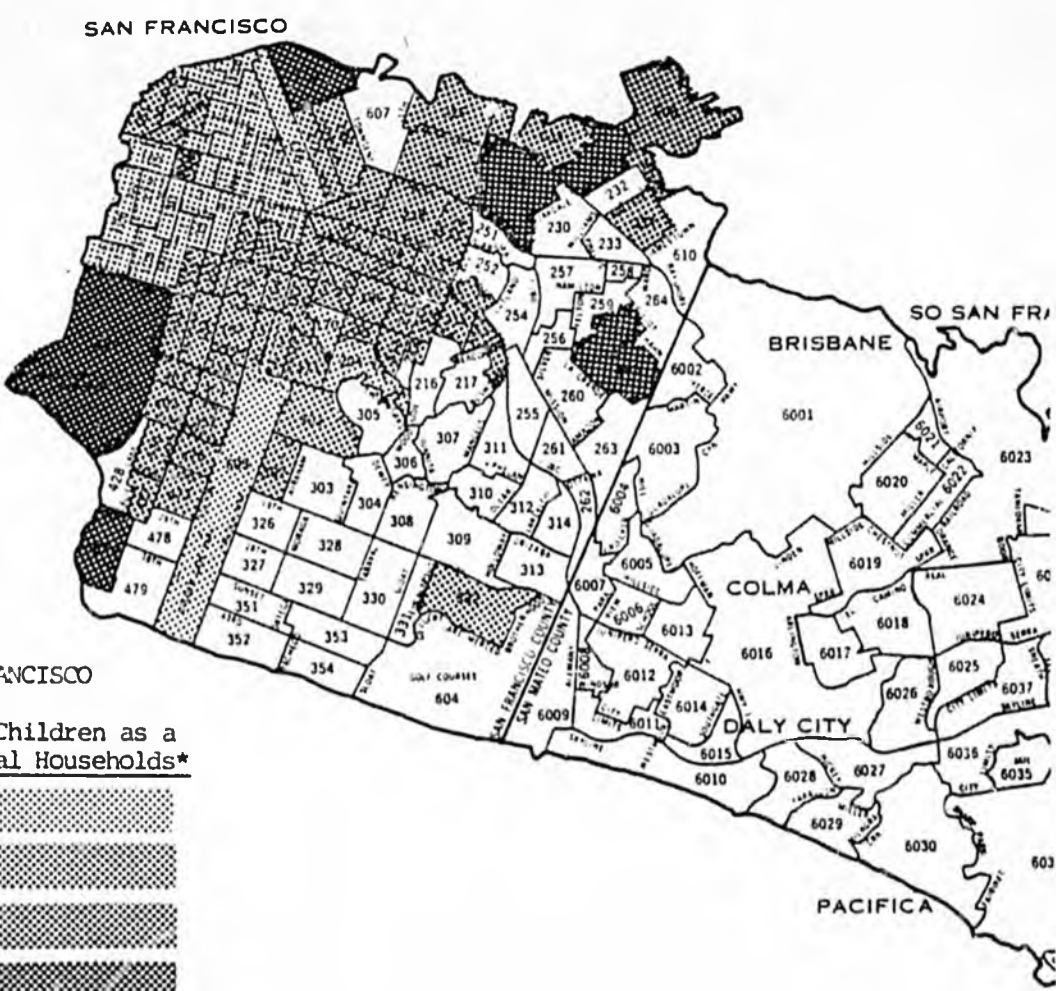
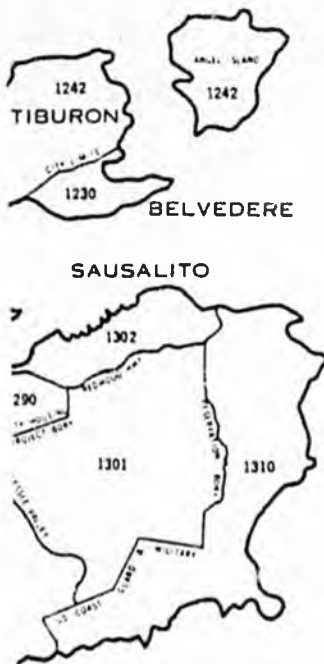
142

71

31.03

31.04

32.05

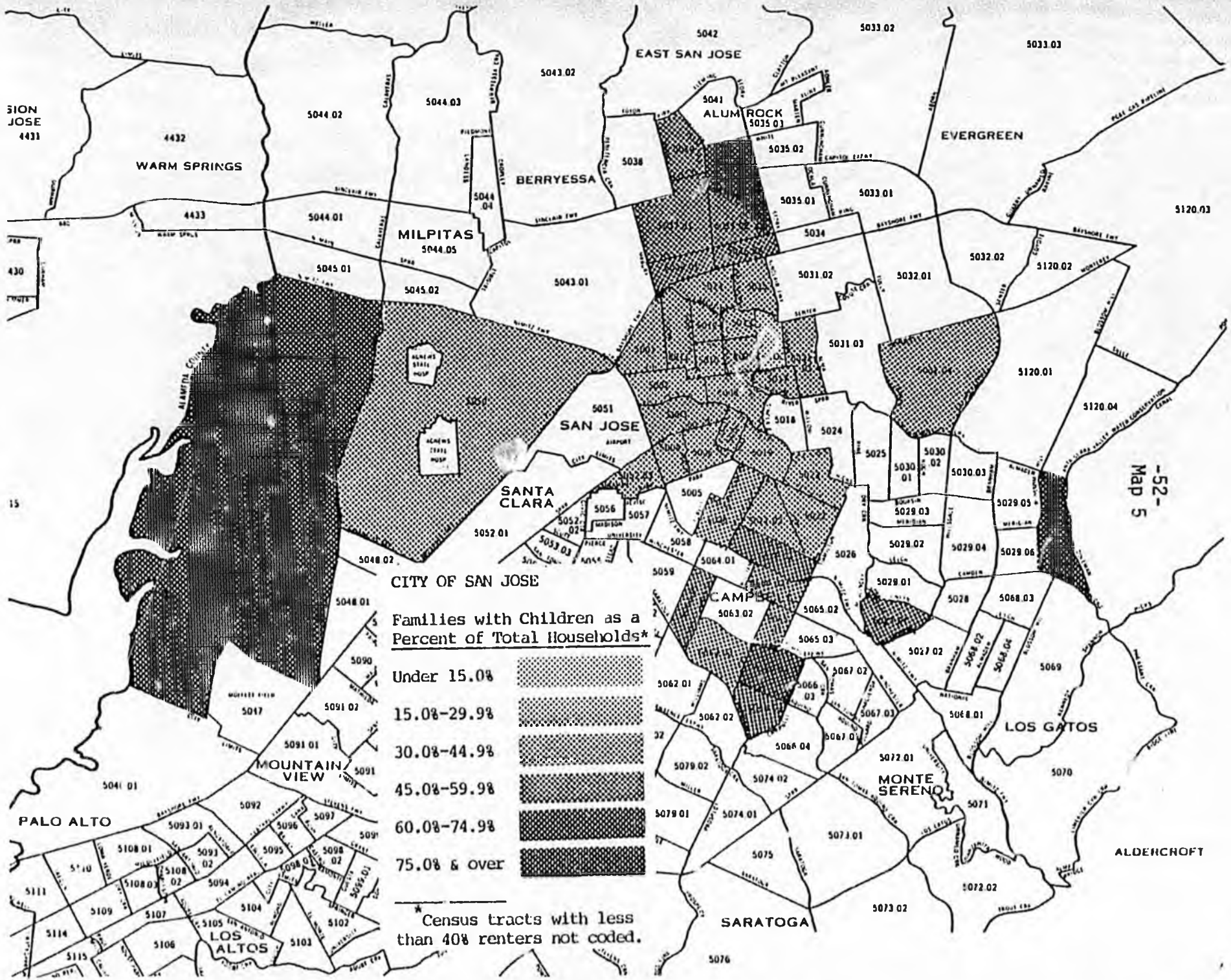


CITY OF SAN FRANCISCO

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%	[Diagonal lines (top-left to bottom-right)]
45.0%-59.9%	[Diagonal lines (bottom-left to top-right)]
60.0%-74.9%	[Vertical lines]
75.0% & over	[Horizontal lines]

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



CITY OF SAN JOSE

Families with Children as a Percent of Total Households*

- Under 15.0% [diagonal lines]
- 15.0%-29.9% [cross-hatch]
- 30.0%-44.9% [horizontal lines]
- 45.0%-59.9% [vertical lines]
- 60.0%-74.9% [solid black]
- 75.0% & over [solid black]

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



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MARCH 29, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 327 - "An Act relating to parole of offenders; continuing the existence of the Board of Parole; and providing for an effective date."

HB 356 - "An Act relating to unlawful practices in the sale or rental of real property."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:40 P.M. Committee members present were: Senators Rodey, Ray, Anderson, and Parr. Senator Bennett was absent.

001 - Call to order

005 - Chairman Rodey brought SB 327 before the committee.

015 - Wil Condon, Attorney General, testified in favor of this bill, and answered questions from the committee.

545 - Senator Ray left the meeting to attend a meeting in the Governor's office.

638 - After lengthy discussion, Chairman Rodey laid SB 327 on the table until the Wednesday meeting.

659 - Next Chairman Rodey brought HB 356 before the Committee.

685 - Mr. Bruce gave a brief explanation of the amendment the Committee proposed last year.

690 - Chairman Rodey moved to adopt the following amendment: On Page 1, Line 11, After property insert (a), and on Page 2, Line 19, add a new subsection: (b) This section does not apply to the sale or rental of dwelling units in Pioneer Homes or other housing provided to senior citizens by the federal government, state government, a political subdivision of the state or a non-profit organization. There was no objection and the amendment was adopted.

700 - Senator Anderson moved that HB 356 be passed from committee with individual recommendations. There was no objection and the bill was passed with Senators Rodey, Parr, and Anderson all signing do pass.

734 - Mr. Bruce distributed a resolution relating to Victim's Rights Week to Committee members for their approval of introducing it. There was no objection to it's introduction by the Committee.

740 - Adjournment at 2:15 P.M.



ALASKA LANDLORD & PROPERTY MANAGERS ASSOCIATION

March 3, 1981

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

*DAT
I DONT THINK MARSH
REALLY READ THE BILL
Hugl*

Dear Representative Brown:

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

(SEE CLASSIFIED ADS)

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

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

*THE SAME THING COULD BE
SAID OF SEX, RELIGION, RACE, ETC.*

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

I have some specific comments about the bill. The bill may be in conflict with itself if it includes the language on line 18, allowing "MARRIED COUPLES ONLY". On line 14 there is existing language prohibiting discrimination on account of marital status. Perhaps the intent in HB 356 is to permit "ADULTS ONLY" rental complexes. BILL DOES NOT INCLUDE THIS.

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

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

NO Letter p 1180 H. Journal

Sincerely,

Bernard L. Marsh

Bernard L. Marsh
Executive Secretary, ALPMA

RIM:mj

Further
— All the arguments
against this bill,
will be forgotten
shortly after it becomes
law — as the arguments
against other fair
laws are now being
forgotten.
Hay

SENATE AMENDMENT

By Judiciary Committee

To: _____ SENATE BILL No. _____

To: Committee Substitute for HOUSE BILL No. 356

PAGE: 1 LINE: 11

After property insert (a)

On page 2, line 19, add a new subsection:

(b) This section does not apply to the sale or rental of dwelling units in Pioneer Homes or other housing provided to senior citizens by the federal government, state government, a political subdivision of the state or a non-profit organization.

cc
LETTER OF INTENTCSHB 356

April 30, 1981

The Honorable Jim Duncan
Speaker of the House

Dear Mr. Speaker:

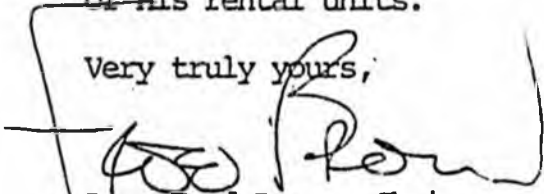
The Committee on Judiciary has had under consideration House Bill 356, "An Act relating to unlawful practices in the sale or rental of real property", and has provided you with a committee report recommending that it be replaced with our committee substitute for that bill, and that committee substitute for House Bill 356 do pass.

Although the bill prohibits discrimination in the sale, lease, or rental of real property because of a person's status as a parent, the committee wishes to point out that the bill does not proscribe any other existing management tools that a landlord may have with regard to rental units. For example, a landlord may still adopt rules and regulations concerning a tenant's use and occupancy of the premises in order to promote safety, health, or welfare of the tenants.

A landlord may also regulate the tenant's use of the property to avoid abusive use, or to make a fair distribution of services and facilities for tenants generally. This bill also does not prohibit a landlord from taking action against a tenant who fails to quietly enjoy the premises, or fails to occupy and use the premises in a clean and safe condition. Also, it is clear that a landlord can provide reasonable provisions in a lease limiting the number of persons occupying a unit, without regard to issues of parentage.

In conclusion, we believe this legislation should prohibit discrimination against individuals due to their parenthood status, while still allowing a landlord the existing legal controls over the use and occupancy of his rental units.

Very truly yours,


Rep. Fred Brown, Chairman
Committee on Judiciary

FB/MF/dm