

Public Knowledge of Fair Housing Law: Does It Protect against Housing Discrimination?

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Abstract

Enforcement of the law prohibiting housing discrimination depends largely on actions initiated by persons who believe they have been victimized and, presumptively, on their knowledge of their legal rights. It is therefore important to establish what people know about fair housing law. A recent national survey examines this topic and explores whether public knowledge makes any difference.

A majority of the public is aware of and approves of many aspects of fair housing law, although the size of that majority varies depending on which aspect of the law is considered. By contrast, only a minority of the public is aware of and accepts protections provided to renter families with children. There is an association between knowledge of the law, recognition of conduct perceived to contradict it, and willingness to respond to such conduct, suggesting a link between knowledge and likelihood of self-protective responses, as envisioned by the Fair Housing Act.

Keywords: Discrimination; Education; Fair housing

Introduction

Aside from a scarcity of affordable housing in many communities, rental housing or homeownership opportunities may be limited because of discrimination in the housing market. Federal and, in some instances, state and local fair housing laws are intended to protect against such discrimination, but there are limits to their effectiveness. The fact that not everyone knows these laws exist, or the nature and extent of their coverage, is thought to be one such limitation. The U.S. Department of Housing and Urban Development (HUD), for example, asserts that “[p]ublic awareness of the law concerning fair housing reduces discriminatory actions” (HUD 2000, 62). The logic behind the claim, presumably, is that the more people know about fair housing law, the more they are in a position to comply with it. It seems equally plausible that the more people know about the law, the more they can benefit from the rights it accords. Whether knowledge, in fact, translates into enhanced compliance or benefit undoubtedly depends on factors beyond awareness, but basic familiarity appears to be a logical prerequisite.

Until recently, the extent of public awareness of fair housing law was not known, so there has been no empirical examination of the

hypothesized relationship between awareness and either compliance or benefit. At least with respect to benefit, that began to change as a result of HUD's need to assess its performance in meeting the agency's strategic objective of increasing the share of the population having "adequate" awareness of fair housing law (HUD 2000). For that purpose, HUD commissioned the Urban Institute to design a survey of the general public to estimate its current level of knowledge of the law, thereby providing a baseline against which to evaluate future change. While the primary challenge of such a survey involved considering how to measure what the public knows about a complex law through closed-ended interviews, the fact that the general public was to be surveyed presented a limited opportunity to look beyond the question of the extent of awareness. It allowed a preliminary test of the presumption that fair housing awareness, in some way, affects what people do when faced with housing discrimination.¹

Background

To provide a context for analyzing the survey, this section briefly summarizes the fair housing protections afforded to home buyers and renters under the law and indicates what is known both about the extent of housing market discrimination and about public awareness of the law.

Fair housing protections under the law

While the federal government does not generally regulate private housing markets in the United States, fair housing is a significant exception. Indeed, federal prohibitions against racial discrimination in housing reach back to the Civil Rights Act of 1866, although it was not until the Fair Housing Act of 1968² and its amendment in 1988 (hereafter 'the act') that federal involvement in fair housing became substantial. The act affords important protections to specified classes of persons and defines the kind of conduct that constitutes illegal discrimination in private-market housing transactions. It stipulates that federal fair housing protections are provided to persons based on race, color, national origin,

¹ Respondents' compliance with fair housing law—that is, whether they engage in discriminatory practices or conduct—was clearly beyond the scope of the survey.

² Title VIII of the Civil Rights Act of 1968 (P.L. 90–284; 42 U.S.C. 3601–3631) is known as the Fair Housing Act.

religion, sex, familial status, and disability.³ With respect to these classes, the act covers virtually all housing-related transactions, including renting, home selling, mortgage lending, homeowner's insurance, home improvement, and zoning (*National Fair Housing Advocate Online* 2001; HUD undated).⁴

Enforcement of the act is the responsibility of various federal, state, and local government agencies and the courts, as well as private, nonprofit fair housing agencies. Primary authority and responsibility, however, reside with HUD. The act permits persons who believe they have been subjected to housing discrimination to file a complaint with HUD, which then investigates and determines whether there is reasonable cause to believe that discrimination has occurred.⁵ Beyond its responsibilities for

³ The latter two were added by the 1988 amendment and, therefore, are the newest classes to be protected under the act. Familial status means the presence or anticipated presence of children under 18 in a home; those who live with children are considered members of this class. Persons with disabilities have a physical or mental impairment that substantially limits one or more major life activities, have a record of such impairment, or are perceived by another as having a physical or mental impairment.

⁴ Included, for example, are refusing to rent, sell, or negotiate for housing, making it unavailable, or setting different terms, conditions, or privileges for its sale or rental. Denying a dwelling, falsely denying that housing is available for inspection or sale or rental, or providing different housing services or facilities are also illegal, as is persuading owners to sell or rent for profit (i.e., blockbusting). The act covers denying access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing. With respect to mortgage lending, the following actions are illegal: refusing to make a mortgage loan or provide information on loans, imposing different terms or conditions on a loan, discriminating in appraising property, refusing to purchase a loan, or setting different terms or conditions for purchasing a loan. In addition, it is illegal to advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or disability—a prohibition that also applies to single-family and owner-occupied housing that is otherwise exempt from the act. Finally, it is illegal to threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others who are exercising that right. There are, however, some exemptions or limitations, depending on the type of transaction considered. For example, the act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a real estate agent or broker, and housing operated by organizations and private clubs that limit occupancy to members. It also limits the applicability of discrimination law protecting families with children by excluding certain types of housing that are strictly for older persons.

⁵ If reasonable cause is established, HUD issues a formal charge of discrimination and a HUD attorney brings the complaint before a HUD administrative law judge (ALJ) on behalf of the complainant. A prevailing complainant in this administrative process is entitled to injunctive relief and compensatory damages, and the ALJ can also impose a civil penalty. The 1988 amendment provided for a penalty of up to \$10,000 for a first violation, up to \$25,000 for a subsequent violation within five years, and up to \$50,000 for two or more subsequent violations within seven years (these amounts have been adjusted upward over the years by the respective agencies and Congress). Complainants, however, are not legally bound to go through the full HUD administrative

administering and enforcing the act, HUD also attempts to prevent or eliminate discriminatory housing practices through various programs and initiatives. One such program helps state and local governments administer their own laws and ordinances that are consistent with federal fair housing law, while another provides funding to private fair housing agencies to support a range of programs—including those that inform the public of its rights and obligations under the act.⁶

In addition to federal protections, some states have adopted their own fair housing laws. Many such laws ensure the same protections as the federal law, but some provide additional protections.⁷

mechanism. After HUD investigates and issues a formal charge, either the complainant or respondent can elect to leave the ALJ hearing process and take the case directly to federal court. In that situation, the U.S. Department of Justice (DOJ) brings the claim on behalf of the complainant and, if the claim prevails, the complainant may obtain injunctive relief, compensatory damages, and punitive damages—the latter with no limit. Also, under the amended act, an aggrieved individual can pursue an alternate, private course of action by filing suit in federal court, and a prevailing plaintiff can obtain injunctive relief, compensatory damages, and punitive damages and recover reasonable attorney's fees and costs. Last, the act grants DOJ the authority to bring pattern and practice lawsuits challenging discriminatory housing practices. If DOJ brings such a claim on behalf of the United States, it can win injunctive relief, monetary damages for any aggrieved persons, and a civil penalty against the defendant. The act stipulates that the penalty can be up to \$50,000 for a first violation and up to \$100,000 for any subsequent violations.

⁶ These programs are the Fair Housing Initiatives Program and the Fair Housing Assistance Program. Many of the agencies focus on disseminating information about fair housing rights to tenants and information about fair housing responsibilities to landlords, real estate agents, developers, insurance and lending professionals, and municipal and government staff. Likewise, a third program supports a variety of public education initiatives intended to increase the number of credible, legitimate fair housing complaints as well as other related information about discriminatory practices being referred to HUD. Eligible activities include conducting educational symposia, distributing fair housing materials, providing outreach and information through printed and electronic media, and providing outreach to persons with disabilities and to the general public on the rights of persons with disabilities under the act.

⁷ For example, Massachusetts extends fair housing protections to persons receiving welfare or other types of public assistance, including Section 8 housing subsidies (*Fair Housing Center of Greater Boston* 2001). This means that landlords cannot refuse to rent to tenants on the basis of their income or refuse to accept Section 8 subsidies. Some cities have also adopted ordinances to protect against discrimination in the housing market. Eugene, OR, for example, is one of a number of localities that prohibit housing discrimination on the basis of sexual orientation (*City of Eugene Antidiscrimination Ordinance* 2002).

The extent of housing market discrimination

Housing market discrimination takes numerous forms, including exclusion, steering, harassment, blockbusting, exploitation, or failure to provide quality service; with the exception of harassment, however, such acts are often difficult for victims to detect (Galster 1998).⁸ Since complaints about discriminatory treatment depend on the ability to detect discrimination and then on a willingness to take action, estimating the extent of discrimination from the incidence of complaints is not particularly reliable. Furthermore, not all allegations of discrimination are valid. These limitations on interpreting complaint data notwithstanding, it is worth noting that HUD and local fair housing agencies received 81,846 claims and complaints of housing discrimination between 1989 and 1997 and have continued to receive about 10,000 a year since 1997. Approximately 43 percent of 1997 claims and complaints were race related, 35 percent were due to disability, and 18 percent were associated with familial status. Apart from tabulations of complaints, HUD estimated in the mid-1990s that between 2 and 10 million incidents of discrimination had occurred in the housing market from 1977 to 1987 (Feagin 1999).

In part because of the difficulty of extrapolating from complaint data, a growing body of empirical evidence dealing with the extent of rental housing and mortgage lending discrimination has resulted from the use of “tests” or audits. These have been designed to objectively identify both blatant and subtle forms of discrimination. Using protected class attributes, testing methodology pairs two people or couples who have similar background characteristics such as income, education, credit worthiness, and so on, and examines the treatment the matched pair receives when attempting to rent or buy housing. Patterns of differential treatment during the transaction (apartment availability, loan quotes, and so forth) provide evidence of discrimination (Fix and Struyk 1993; Fix and Turner 1999; Turner 1992). The first such national audit, which was completed in 1977, reported widespread discrimination against blacks in the housing market (Wienk et al. 1979). Ten years later, a second effort concluded that blacks and Hispanics were discriminated against about 50 percent of the time in both the rental and sales markets (Turner, Struyk, and Yinger 1991; Urban Institute 1991). A third testing study is under way (Goering and Squires 1999).

⁸ Galster characterizes the various theories as to why such acts occur as involving agent prejudice, customer prejudice, potential customer prejudice, expected discrimination, inferior tenant, and pure-profit maximization.

The limitations of existing research on public perceptions of fair housing issues

The literature on fair housing is limited in at least two important respects that are germane to this article. The first involves the extent to which the range of protections afforded to housing consumers is covered. Although the act as amended protects persons on the basis of their race, color, national origin, religion, sex, familial status, and disability, for many, the term “fair housing” connotes the effort to ameliorate the nation’s long history of residential segregation by race. Likewise, the social science literature on this subject—especially that involving public sentiment—focuses almost exclusively on attitudes toward racial residential integration (Bobo and Zubrinsky 1996; Farley 1996; Farley and Frey 1994; Farley et al. 1978; Hyman and Sheatsley 1956; Saltman 1978; Schuman et al. 1997; Sears, Sidanius, and Bobo 2000).⁹ Although some studies also include ethnic residential integration, these are generally demographic analyses (Frey and Farley 1996; Harrison and Bennett 1995; Massey and Denton 1989). Even HUD’s *Cityscape* journal commemorating the 30th anniversary of the act devoted the bulk of its research space to racial discrimination in housing, noting that “other voices...were unable to answer our invitation to submit articles” (“Commemorating” 1999, 3). In sum, there is very little reported in the literature pertaining to non-race-related fair housing issues.¹⁰

Second, very little empirical research has reported on the role that public knowledge of fair housing law plays in its enforcement. Initially, this may seem a bit odd in that, beyond the authority granted the U.S. Department of Justice to bring pattern and practice lawsuits challenging discriminatory housing practices, the primary remedy for housing discrimination is for alleged victims to complain about it formally. This, of course, requires knowing one’s rights. Why, then, has public knowledge not previously been studied? One possible explanation involves the distinction between (a) recognition of disfavored treatment and (b) knowledge of that treatment as illegal. Consider the logical sequence leading up to the possibility of a housing consumer taking action to protest against discrimination.¹¹ Four conditions are required:

⁹ Some studies of attitudes toward racial residential integration also examine attitudes toward ethnic and religious residential integration to determine whether the former are part of a broader syndrome.

¹⁰ This is exclusive of statistical reports on the proportion of complaints for the range of prohibited bases.

¹¹ The author acknowledges the helpful suggestion of one of the anonymous reviewers that this logic be included.

1. Housing suppliers (landlords or home sellers) or intermediaries (real estate or management agents, mortgage lenders, insurers, and so on) must have some type of rationale for behavior involving differential treatment of consumers (renters or home buyers) based on some attribute or affiliation and, consequently, for differential treatment.¹²
2. Housing consumers must recognize that they were disfavored by the treatment they received.
3. Consumers must assess that conduct as illegal.
4. Consumers must weigh the costs against the benefits of filing a formal complaint and, presumably, do so if the calculation results in a net benefit.

For the survey reported on in this article, differential treatment and its rationale were made explicit to respondents as part of the questioning in search of their opinions (that is, whether they agreed with and supported certain kinds of conduct) and judgments (that is, whether they believed the conduct to be legal or illegal). In reality, however, detecting differential treatment is not always easy or, indeed, possible, since it may be neither obvious nor observable. With respect to race, at least, discriminatory practices seem to have become more subtle and invisible over time (Yinger 1995). This has led some fair housing researchers and advocates to conclude that knowledge of the law is not likely to be an effective means of deterring discrimination, since violations cannot be easily observed and violators need not fear detection (Galster 1999; Tisdale 1999). This is an important point. It certainly constrains the potential for knowledge to have a deterrent effect and may help explain why not much attention has been paid to this topic.

That having been said, however, it is clear that not all differential treatment is so subtle, particularly the kind involving something other than race. Where such treatment is otherwise observable, self-protection requires that a consumer know when conduct is illegal as well as what remediation options are available. It also requires believing that the remediation system is efficacious and trustworthy. Rather than taking as a given, on the one hand, or dismissing, on the other, the role that public awareness plays in protecting against housing discrimination, this article begins to explore that role empirically.

¹² That rationale can range widely and involve actual or potential prejudice or stereotyping; the perception or expectation of prejudice on the part of others, including well-intentioned efforts to protect others; or some calculation of profit maximization (Galster 1998).

Data

To measure the nature and extent of the general public's knowledge of fair housing law, a national, cross-sectional telephone survey was administered to 1,001 adults by the University of Michigan's Survey Research Center (SRC) on behalf of the Urban Institute and the survey's sponsor, HUD. Questions on fair housing were added as a module to the SRC's December 2000 and January 2001 monthly consumer surveys, which are designed to be generalizable to all adults in the continental United States.¹³

The core of the fair housing module consisted of 10 brief scenarios involving conduct by landlords, home sellers, real estate agents, or mortgage lenders (see table 1).¹⁴ Eight of the scenarios described decisions or actions that are illegal under federal fair housing law, while the rest described conduct not prohibited by federal law. Respondents were asked whether they approved or disapproved of each of the decisions or actions, independent of what the law says (a measure of their support for that conduct) and, then, whether they believed each to be legal under federal law (a measure of their knowledge of what the law proscribes). They were also asked how they would vote on a community referendum that either permitted homeowners to refuse to sell their homes because of a prospective buyer's race, religion, or nationality, or prohibited them from refusing to sell because of those factors (a measure of their support for open-housing protections). Last, respondents were asked whether they believed they had ever been discriminated against when renting or purchasing housing and, if so, what they had done about it—an indicator of the extent to which people respond to protect themselves in the face of perceived discrimination.

¹³ For each month of data collection, approximately 500 adult men and women living in households in the coterminous 48 states plus the District of Columbia are randomly selected and interviewed by telephone. Of this total, 300 respondents are newly selected via random-digit dialing each month, and 200—also selected by random-digit dialing—are persons who were interviewed six months earlier. A one-stage, list-assisted design involving equal probability samples of telephone households is employed, with probability methods used within each household to select one adult as the designated respondent.

¹⁴ The questions were intended to cover the public's knowledge of relatively fundamental and enduring aspects of fair housing law. Such a focus on core issues is appropriate where the intention is to establish a solid baseline for measuring subsequent changes over the years.

Table 1. Ten Scenarios Posed to Respondents

Scenario	Legal under Federal Law?
1 An apartment building owner who rents to people of all age groups decides that families with younger children can only rent in one particular building, and not in others, because younger children tend to make lots of noise and may bother other tenants.	No. Despite the rationale presented for treating families differently—that children make noise and may bother other tenants—federal law does not permit such actions in most apartment settings. The owner in this scenario rents to people of all age groups, and therefore the apartment complex is not restricted to seniors only. Landlords may not, under these circumstances, treat families with children under the age of 18 differently from other people—either with respect to building assignment or in any other way.
2 In checking references on an application for a vacant apartment, an apartment building owner learns that an applicant does not have the best housekeeping habits; he does not always keep his current apartment neat or clean. The owner does not want to rent to such a person.	Yes. The building owner is not making a decision about a prospective tenant based on any factor other than information about housekeeping habits obtained during a reference check. There is no appearance of discrimination based on the applicant's race, color, national origin, religion, sex, familial status, or disability. Persons with bad housekeeping habits are not protected under federal fair housing law, and therefore the landlord's decision not to rent to such a person is legal.
3 An apartment building owner is renting to a tenant who uses a wheelchair. The building is old and does not have a wheelchair ramp, and the tenant wants a small wooden ramp constructed at the building door to more easily access the building. He asks the owner if it is okay to build the ramp. The tenant says he will pay all the costs, and agrees to have the ramp removed at his own expense when he leaves. The owner, however, believes such a ramp will not look good on his building, and decides he does not want it constructed on his property.	No. It is not legal for an owner to prohibit a wheelchair ramp from being constructed on the property. A landlord may not refuse to let a renter make reasonable modifications to the housing unit or common use areas at the renter's expense if such modifications are necessary for a person with disability to use the housing. Where reasonable, a landlord may permit changes only if the individual agrees to restore the property to its original condition when he or she moves. As well, a landlord may not refuse to make reasonable accommodation in rules, policies, practices, or services if such accommodation is necessary for a person with a disability to use the housing.

Table 1. Ten Scenarios Posed to Respondents (continued)

Scenario	Legal under Federal Law?
4 An apartment building owner places a notice on a community bulletin board to find a tenant for a vacant apartment. This notice says, "Christians preferred."	No. It is not lawful for an owner to advertise a preference based on religion. In fact, it is illegal to advertise or make any statement that indicates a preference based on race, color, national origin, religion, sex, familial status, or disability. This prohibition against discriminatory advertising also applies to single-family and owner-occupied housing that is otherwise exempt from federal fair housing law.
5 In checking references on an application for a vacant apartment, an apartment building owner learns that the applicant has a history of mental illness. Although the applicant is not a danger to anyone, the owner does not want to rent to such a person.	No. It is not legal for an owner to reject an applicant because of mental illness. However, housing does not have to be made available to a person who is a direct threat to the health or safety of others or who uses illegal drugs. The scenario clearly specifies that the person is not a danger to anyone.
6 An apartment building owner learns that an applicant for a vacant apartment has a different religion than all the other tenants in the building. Believing the other tenants would object, the owner does not want to rent to such a person.	No. It is not legal for a landlord to reject or otherwise discriminate against an applicant based on religion. Even if a landlord believed that other tenants would object, or that it would somehow be better for current or prospective tenants if the latter were rejected because of religion, it is against federal law to do so.
7 The next question involves a family selling their house through a real estate agent. They are white, and have only white neighbors. Some of the neighbors tell the family that, if a nonwhite person buys the house, there would be trouble for that buyer. Not wanting to make it difficult for a buyer, the family tells the real estate agent they will sell their house only to a white buyer.	No. It is illegal for a family selling a house through a real estate agent or broker to restrict the sale of the house to white buyers. The law exempts from this prohibition single-family housing sold without the services of a real estate agent. However, because the family portrayed in the scenario is working with a real estate agent, it cannot restrict the sale of the house because of race or other attributes, affiliations, or conditions, as stipulated in the Fair Housing Act.

Table 1. Ten Scenarios Posed to Respondents (continued)

Scenario	Legal under Federal Law?
8 A white family looking to buy a house goes to a real estate agent and asks about the availability of houses within their price range. Assuming the family would only want to buy in areas where white people live, the agent decides to show them only houses in all-white neighborhoods, even though there are many houses in their price range in other parts of the community.	No. It is illegal for a real estate agent to focus a client's housing search exclusively on geographic areas that are keyed to racial composition. This type of behavior, typically called "steering," generally involves systematically showing minority home buyers houses in neighborhoods different from those shown or recommended to comparable white home buyers. Systematically steering minorities away from predominantly white neighborhoods—and vice versa—is a form of discrimination that limits housing and neighborhood choice and may play a role in perpetuating patterns of residential segregation (Turner and Mikelsons 1992). The fact that the family is white in this scenario and is shown houses in white neighborhoods only (based on the decision of the real estate agent) does not change the effect of such practices nor make them any less a violation of the Fair Housing Act.
9 A black person applies to a bank for a home mortgage. He does not have a steady job or enough income to pay a monthly mortgage payment. When he did work, the job did not pay very much. Because of his lack of a steady job and insufficient income, the loan officer decides not to give this person a mortgage.	Yes. It is legal for a loan officer to turn down an applicant because he or she lacks sufficient income to cover a monthly mortgage payment.* The scenario clearly states that the bank denied the mortgage because of insufficient income and not because of race or other protected bases.
10 An Hispanic family goes to a bank to apply for a home mortgage. The family qualifies for a mortgage but, in that bank's experience, Hispanic borrowers have been less likely than others to repay their loans. For that reason, the loan officer requires that the family make a higher down payment than would be required of other borrowers before agreeing to give the mortgage.	No. It is illegal to require a larger down payment from this otherwise qualified applicant than would be required of similarly qualified persons. While the loan officer appears to be making a business decision, federal law prohibits a lender from profiling an applicant based on race, color, national origin, religion, sex, familial status, or disability and, as a result, imposing differential terms or giving different treatment.

*The key point in this scenario is the lack of sufficient income to cover a monthly mortgage payment. The Equal Credit Opportunity Act (ECOA) makes it unlawful for a creditor to discriminate against a person who may not have a steady job but receives welfare or other public assistance. Therefore, under ECOA, a mortgage lender may not deny an applicant a loan simply because he or she does not hold a steady job, but rather only if there is insufficient income to pay monthly expenses (bills) and housing expenses. Also, although not relevant to this scenario, it may be illegal to deny a mortgage because of the lack of a steady job if the person applying is disabled and derives household income from disability assistance or some other type of verifiable nonemployment income.

Results

Survey results address four topics: (1) public knowledge of fair housing law; (2) public support for the law; (3) the relationship between knowledge and support; and (4) the relationships among knowledge, support, the perception of having been subjected to discrimination, and behavioral responses to it.

Public knowledge of fair housing law

Respondents' separate scenario-specific responses, as well as an index of the extent of their knowledge of the law, are presented next.

Scenario-specific responses. With the exception of one category of discrimination, a majority of the public correctly identified as unlawful the behavior of landlords, home sellers, real estate agents, and mortgage lenders when it is described to them (see table 2). However, across the scenarios that depict discriminatory conduct, there is considerable variation as to the size of that majority, which ranges from substantial to modest.

Table 2. Public Knowledge of Fair Housing Law

Scenarios Involving Illegal Conduct	Response (%)			
	Gave the Correct Answer	Did Not Give the Correct Answer		
		Responded "Don't Know" or "Not Sure"	Gave the Wrong Answer	Said "It Depends" or Gave No Answer
Treat families with children differently	38	44	16	2
Limit a real estate search to white-only areas	54	29	13	4
Oppose the construction of a wheelchair ramp	56	30	12	2
Disapprove renting to a person with mental illness	57	31	10	3
Advertise "Christians preferred"	67	22	8	3
Charge a higher fee because of ethnicity	73	18	6	4
Disapprove renting to a person of a different religion	78	16	4	2
Restrict home sales to white buyers	81	12	4	3

Note: Percentages may not total 100 because of rounding.

Although clearly not universal, public understanding with respect to the illegality of three types of conduct is quite extensive:

1. A white homeowner, working through a real estate agent, who limits a home sale to white buyers only
2. A landlord who turns down an application because of the applicant's religion
3. A mortgage lender who requires a larger down payment because of an applicant's ethnicity

There is somewhat less public understanding of the following types of illegal conduct:

1. A landlord who advertises a religious preference when attempting to rent an apartment
2. A landlord who refuses to rent to a person with mental illness who is not a danger to anyone
3. A landlord who denies a disabled renter's reasonable request to provide accommodation by constructing a wheelchair ramp on the property
4. A real estate agent who limits a home search to certain locations based on neighborhood racial composition

Finally, with respect to federal law prohibiting discrimination in housing based on familial status, only a minority of the public, 38 percent, knows that it is illegal to treat households with children differently from households without children (in this instance, limiting the former to a particular building). Conversely, three of every five persons do not know that such action is illegal. Regarding this aspect of federal fair housing law, therefore, public knowledge is relatively limited.¹⁵

When asked whether respondents considered conduct that is, in fact, discriminatory (and therefore illegal under federal law) to be legal, they had three choices.¹⁶ They could respond "no" (correctly), "yes" (incorrectly), or "don't know." Either of the last two responses, of course,

¹⁵ The fact that families with children as well as persons with disabilities were added to the list of protected classes in 1988, two decades after the act was passed, may help explain the lower levels of public knowledge of the protections afforded such persons.

¹⁶ In addition, less than 4 percent of respondents answered "it depends" or did not answer the questions.

indicates that the respondent was not aware of the law. It is noteworthy that only a small proportion of the public actually gave incorrect answers in each instance; a larger proportion professed that they did not know whether the conduct was legal. Therefore, it is uncertainty or ignorance, more than misinformation, that accounts for the level of public unawareness of federal fair housing law.

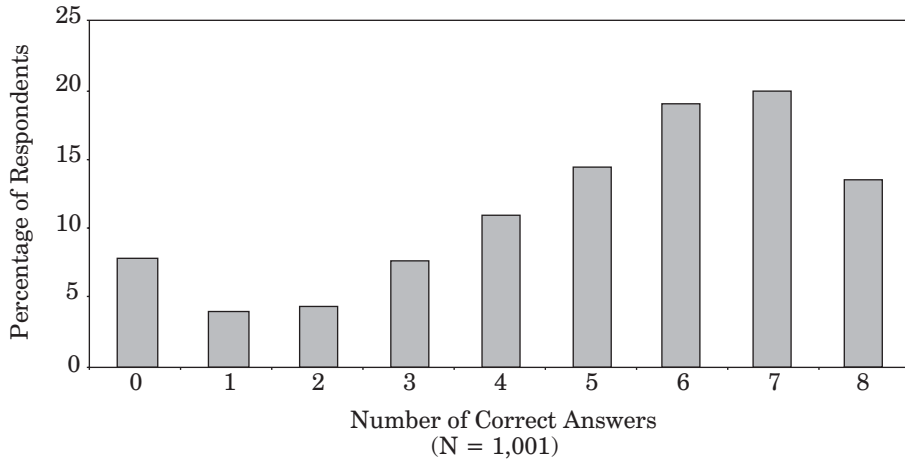
The survey also inquired about two situations not covered by federal law. In one instance, two-thirds of the public correctly identified as legal the decision of a lender to refuse to approve a loan because an applicant had insufficient income and an unsteady job history. The scenario indicates that the applicant was black but also indicates that the lender's decision was based on income and job history—not race. That kind of decision is lawful, and a majority of the public knows it. This is in sharp contrast to the lack of public knowledge of a landlord's right to reject an applicant on the basis of personal housekeeping. Forty-two percent of the public believes it to be illegal under federal law for a landlord to deny a rental to a person who “does not have the best housekeeping habits,” and another 37 percent are not certain. Therefore, a combined 79 percent of the public does not know that rejecting an applicant because of housekeeping practices is not prohibited under federal law, so long as the landlord's determination is not otherwise discriminatory. This scenario gives no indication of any reason for the denial other than the applicant's housekeeping habits.¹⁷

The extent of public knowledge of the law. Another way to measure public awareness is to sum the number of instances in which an individual correctly identifies discriminatory conduct as unlawful. Since there are eight scenarios depicting discriminatory conduct, the index scores can range from zero to eight correct answers. Figure 1 shows the distribution of these scores.

Although 16 percent of the respondents correctly answered just one, two, or none of the eight questions, the median score falls between five and six; thus, about one-half of the public knows the law with respect to six or more of the scenarios. Table 3 compares three levels of knowledge¹⁸ on various demographic attributes. It shows that increased knowledge is modestly associated with higher income and education levels and that people between the ages of 35 and 44 are somewhat

¹⁷ The remainder of this article focuses only on the eight scenarios depicting illegal conduct on the part of landlords, home sellers, real estate agents, or mortgage lenders.

¹⁸ Index scores are divided into “low” awareness (0 to 2 correct answers), “medium” awareness (3 to 5 correct answers), and “high” awareness (6 to 8 correct answers).

Figure 1. Scores: Knowledge of Fair Housing Law

more likely to have more knowledge than either older or younger persons. There are no statistically significant differences in the extent of fair housing knowledge with respect to other attributes.

Public support for the law

Aside from what the public knows about fair housing law is the question of whether there is grassroots support for it. Two such attitudinal indicators are examined. The first involves people's opinions of the scenario-specific conduct of landlords, home sellers, real estate agents, or mortgage lenders—gauging the public's agreement or disagreement with the conduct portrayed. The second involves people's positions with respect to a hypothetical local "open-housing" referendum in which a voter could choose to either permit or prohibit discrimination by homeowners in the sale of housing. These are discussed next.

Attitudes, scenario-by-scenario. Asked their opinions about the eight scenarios involving conduct contrary to federal law, a majority of the public believes that landlords, home sellers, real estate agents, and mortgage lenders should not have taken seven of the decisions or actions—but by varying degrees (see figure 2).

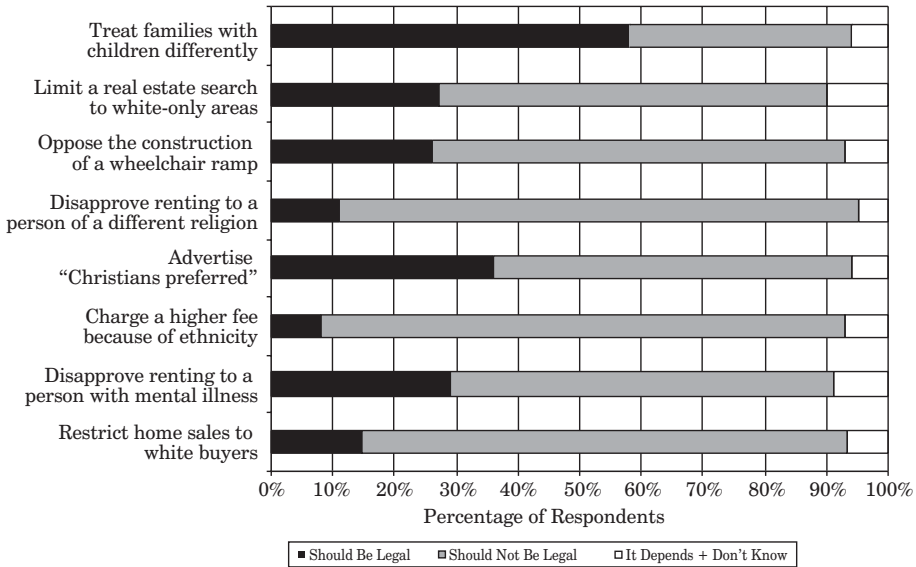
1. There is very consistent public opposition to a landlord's limiting rentals based on religion, to a lender's requiring larger down payments based on a borrower's ethnicity, and to a homeowner's restricting home sale based on race. At least four out of every five adults disapprove of these actions.

Table 3. Knowledge of Fair Housing Law, by Attributes

Attributes	Extent of Knowledge (%)		
	Low (N = 158)	Medium (N = 324)	High (N = 519)
Total	16	33	51
Income*			
0–\$19,999	19	37	44
\$20,000–\$39,999	15	35	49
\$40,000–\$59,999	16	32	53
\$60,000–\$99,999	12	32	56
\$100,000+	13	27	60
Education*			
0–12 years	19	37	44
13–17 years, no college degree	12	33	55
13 or more years, college degree	13	30	57
Age*			
Less than 34	14	40	46
35–44	15	26	59
45–64	13	32	55
65+	23	33	44
Race/Ethnic origin			
White	16	34	50
Black	17	27	56
Hispanic	17	24	59
Gender			
Male	18	33	49
Female	14	33	53
Housing tenure			
Owner	18	31	51
Renter	10	38	52
Region			
Northeast	12	32	56
Midwest	19	33	48
South	18	31	51
West	13	37	50
Marital status			
Married	16	31	53
Not married	16	36	48
Number of children			
Zero	17	32	51
One	12	40	48
Two	16	33	51
Three or more	11	27	62

Note: Percentages may not total 100 because of rounding.

* $p \leq 0.05$.

Figure 2. Support for Fair Housing Provisions

- Smaller majorities disapprove of a landlord's prohibiting the construction of a wheelchair ramp, a real estate broker's limiting a housing search to racially exclusive areas, a landlord's refusing to rent to an applicant with mental illness, and a landlord's advertising a religious preference. In these cases, about three out of every five adults disagree with the actions.

With respect to the scenario dealing with differential treatment of families with children, only a minority of the public disapproves of a landlord's limiting such families to a particular building in a rental complex. In other words, a majority of the public (59 percent) supports that action.

The extent of opposition to discriminatory conduct. The number of instances in which people disagree with discriminatory conduct, as described in the various scenarios, is an indicator of the breadth of their support for fair housing protections: the larger the number of instances, the more extensive their support. Given eight scenarios describing discriminatory conduct, an index of support can be scored from zero to eight—with eight signifying the most support. Two-thirds of the general public opposes discriminatory conduct in six or more of the depictions while, at the other extreme, 6 percent oppose it in one or two cases (see figure 3). According to this measure, a solid majority of the public supports a wide range of fair housing protections.

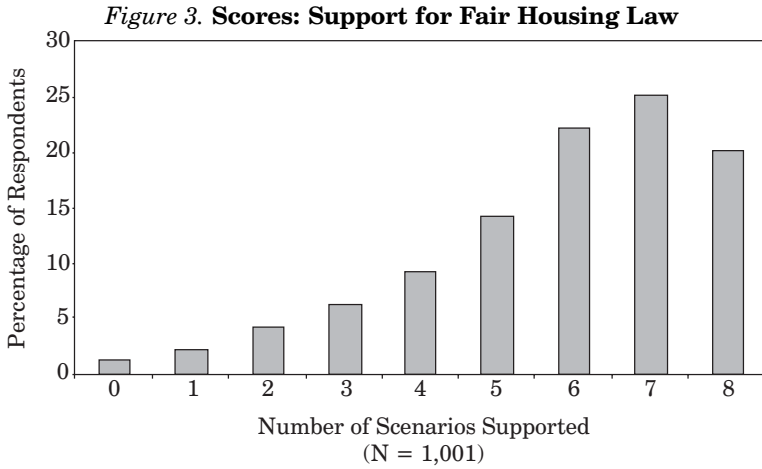


Table 4 compares the demographic and geographic attributes of persons with different levels of support for fair housing protections.¹⁹ Income, age, race, ethnic origin, gender, and family size are statistically significant, with support somewhat more frequently expressed by very low income persons, individuals between 35 and 44 years of age, blacks, Hispanics, women, and persons in larger households. Possibly as interesting, however, is the fact that support for fair housing protections generally cuts across significant segments of the population. With the exception of the oldest age cohort, there is no subgroup in which less than 60 percent of the members exhibit a high level of support.

Public support for an open-housing law. An additional indication of the public’s attitude toward fair housing law comes from responses to the following:

Suppose there’s a community-wide vote on housing issues, and there are two possible laws to vote on. One law says that homeowners can decide for themselves whom to sell their house to, even if they prefer not to sell to people of a certain race, religion, or nationality. Another law says that homeowners cannot refuse to sell to someone because of their race, religion, or nationality. Which law would you vote for?

¹⁹ Index scores are divided into “low” support (0 to 2 answers disapproving of illegal conduct), “medium” support (3 to 5 answers disapproving of illegal conduct), and “high” support (6 to 8 answers disapproving of illegal conduct).

Table 4. Support for Fair Housing Protections, by Attributes

Attributes	Extent of Support (%)		
	Low (N = 56)	Medium (N = 283)	High (N = 662)
Total	6	28	66
Income*			
0–\$19,999	6	24	71
\$20,000–\$39,999	7	33	60
\$40,000–\$59,999	3	28	68
\$60,000–\$99,999	3	31	66
\$100,000+	11	25	64
Education			
0–12 years	6	29	66
13–17 years, no college degree	4	29	67
13 or more years, college degree	7	27	66
Age*			
Less than 34	5	26	69
35–44	1	25	74
45–64	7	31	62
65+	11	30	58
Race/Ethnic origin*			
White	7	29	64
Black	4	23	72
Hispanic	—	15	85
Gender*			
Male	9	31	60
Female	3	26	71
Housing tenure			
Owner	7	29	64
Renter	4	25	71
Region			
Northeast	6	23	70
Midwest	6	32	61
South	5	29	66
West	7	26	67
Marital status			
Married	6	28	65
Not married	5	29	66
Number of children*			
Zero	8	31	61
One	4	25	72
Two	2	27	71
Three or more	3	17	80

Note: Percentages may not total 100 because of rounding.

* $p \leq 0.05$.

The question is adapted from one used since the 1970s as part of the General Social Survey (GSS) conducted by the National Opinion Research Center (NORC) (GSS 2001).²⁰ For a time, the GSS question was asked only of white respondents and focused on home sales to people of different races.²¹ The item in the current survey, which is very similar in structure to the GSS query, was put to all respondents and covers sales to people of different religions and nationalities as well as races. Although not covering all of the prohibited bases under the act, it is intended to gauge people's predisposition toward a core aspect of fair housing policy.

Two-thirds of the public favors a law prohibiting homeowners from refusing to sell to someone because of race, religion, or nationality, while 24 percent would allow homeowners the right to decide for themselves, even if they prefer not to sell to someone because of those factors.²² Table 5 reveals sources of support for and opposition to an open-housing policy. Support increases somewhat with higher levels of income and education and decreases with age. There are also gender and racial/ethnic differences, with women, blacks, and Hispanics somewhat more likely than others to endorse an open-housing law.

The share of the public currently opposing an antidiscrimination law in home sales continues the secular trend documented by NORC from the early 1970s through the late 1990s (see table 6). There has been a steady decline over the three decades in the proportion of white Americans who are willing to tolerate the restriction of home sales based on race, from a high of 60 percent at the beginning of that period to a low of 29 percent at the end. According to the current survey, the share of the public approving of restricted sales practices—including those involving race—slowly continues to fall.

The relationship between knowledge and support

Having examined what people know about the law and their support for it, an obvious question is whether there is an association between the two. This can be answered by using both aggregate and individual-level data.

²⁰ The GSS is an ongoing, omnibus personal-interview survey of U.S. households, which was initiated in 1972 and measures trends in American attitudes, experiences, practices, and concerns. The GSS has reported a dramatic increase over time in support for racial equality and integration, as well as a steady increase in support for civil liberties.

²¹ See the note to table 6 for the wording of the NORC question.

²² Six percent of respondents answered "don't know," and 3 percent gave no answer.

Table 5. Hypothetical Housing Referendum Preference, by Attributes

Attributes	Preference (%)		
	Can Decide to Whom to Sell (N = 240)	Cannot Refuse to Sell (N = 668)	Neither/ Don't Know/ No Answer (N = 93)
Total	24	67	9
Income*			
0-\$19,999	23	62	15
\$20,000-\$39,999	27	64	9
\$40,000-\$59,999	27	68	4
\$60,000-\$99,999	21	75	4
\$100,000+	18	77	5
Education*			
0-12 years	23	63	14
13-17 years, no college degree	24	71	4
13 or more years, college degree	24	71	6
Age*			
Less than 34	19	74	6
35-44	22	72	6
45-64	26	69	5
65+	26	52	22
Race/Ethnic origin*			
White	27	66	7
Black	14	77	9
Hispanic	11	75	14
Gender*			
Male	29	63	8
Female	19	71	10
Housing tenure			
Owner	24	67	9
Renter	22	70	8
Region			
Northeast	19	72	9
Midwest	28	66	7
South	26	64	11
West	20	71	9
Marital status			
Married	24	67	9
Not married	23	67	9
Number of children*			
Zero	27	62	11
One	19	79	3
Two	17	74	9
Three or more	18	77	5

Note: Percentages may not total 100 because of rounding.

* $p \leq 0.05$.

Table 6. Surveys of Open-Housing Referendum Preferences

Referendum Preference ^a	GSS Survey Periods, 1972-96 (%) (White Respondents Only)					Public Knowledge of Fair Housing Law Survey, 2000-01 (%)				
	1972-82	1983-87	1988-91	1993	1994	1996	Race/Ethnic Origin			Total
Cannot refuse to sell	37	50	57	64	62	67	White	Black	Hispanic	67
Can decide to whom to sell	60	46	38	30	32	29	27	12	5	24
Neither (voluntary)	1	2	2	4	3	2	0	0	1	0
Don't know/No answer	2	2	3	2	3	2	7	13	17	9
Total	100	100	100	100	100	100	100	99 ^b	100	100
N	7,018	6,008	4,421	1,057	2,011	978	811	74	58	1,001 ^c

^aThe following GSS question was asked between 1972 and 1996: "Suppose there is a community-wide vote on the general housing issue. There are two possible laws to vote on. Which law would you vote for? One law says that a homeowner can decide for himself whom to sell his house to, even if he prefers not to sell to (Negroes/Blacks/African Americans). The second law says that a homeowner cannot refuse to sell to someone because of their race or color. Which law would you vote for?" The following question was asked in the 2000/2001 survey: "Suppose there's a community-wide vote on housing issues, and there are two possible laws to vote on. One law says that homeowners can decide for themselves whom to sell their house to, even if they prefer not to sell to people of a certain race, religion, or nationality. Another law says that homeowners cannot refuse to sell to someone because of their race, religion, or nationality. Which law would you vote for?"

^bPercentage does not total 100 because of rounding.

^cIncludes 58 respondents whose race/ethnic origin is other than white, black, or Hispanic.

Aggregate comparisons of knowledge and support. Table 7 contrasts differences in the proportion of the population that *opposes* illegal actions on the part of landlords, home sellers, real estate agents, and lenders with the proportion that *knows* these actions are illegal. For five of the eight scenarios, the percentage of the population opposed to the conduct is slightly larger than the percentage that knows it to be illegal, with the gap ranging from 5 to 11 percentage points. That is, there is somewhat more support than knowledge in those instances. In two cases, the proportion opposing illegal conduct and the proportion knowing it to be illegal are about equal (2 percentage points or less). Only in the case of advertising a religious preference for a rental is there more public knowledge of the law than there is support for it.

Table 7. Comparison of Knowledge of and Support for Illegal Conduct

Scenario	Proportion Aware That the Conduct Is Illegal (%)	Proportion Disagreeing with the Illegal Conduct (%)
Treat families with children differently	38	36
Limit real estate search to white-only areas	54	63
Oppose the construction of a wheelchair ramp	56	67
Disapprove renting to a person of a different religion	78	84
Advertise "Christians preferred"	67	58
Charge a higher fee because of ethnicity	73	84
Disapprove renting to a person with mental illness	57	62
Restrict home sales to white buyers	81	80

Note: N = 1,001.

Individual-level comparisons of knowledge and support. At the individual level, it can be asked whether persons who know what the law proscribes also support it and vice versa. Figure 4 illustrates four logical possibilities with respect to the relationship between knowledge and support.

1. *One segment of the public consists of those who both disapprove of an action and know it to be illegal.* Their opinions are, therefore, congruent with their knowledge of the law. For all of the scenarios except that which deals with an apartment owner's differential treatment of families with children, a plurality of the public is in this category—although the size of the plurality varies by issue.²³

²³ In the case of an apartment owner's deciding that families with younger children can rent in only one particular building and not in others, only 19 percent disapprove of the landlord's decision and know that it is illegal. By contrast, a plurality (39 percent) agrees with the landlord's decision while being uninformed about its illegality.

For example, 70 percent of the public believes a landlord should not deny a rental opportunity to an applicant whose religion differs from that of the other renters and knows that doing so is illegal under federal law. A smaller proportion, 45 percent, believes landlords should not deny a renter’s request to construct a wheelchair ramp and knows that the landlord’s refusal to do so contravenes federal law. In sharp contrast, however, only 17 percent of the public disapproves of a landlord’s decision to treat families with children differently and knows that such treatment is unlawful.

2. *A second segment consists of those who disapprove of an illegal action or decision without knowing that the conduct is unlawful.* For example, 22 percent of the public falls in this category with regard to the denial of a wheelchair ramp; 10 percent is in this group when the issue involves advertising “Christians preferred” for an apartment.
3. *A third segment consists of those who approve of what are, in fact, discriminatory decisions or actions without knowing that such conduct is illegal.* For example, 39 percent of the public is in this category with regard to assigning families with children to a separate building; 4 percent is in this group when it comes to denying a rental opportunity because of an applicant’s religion.
4. *A final segment consists of those who know a certain conduct is illegal but approve of it nevertheless.* For example, 18 percent of the public is in this category with respect to advertising “Christians preferred” for an apartment, and 4 percent with respect to charging a higher mortgage fee because of an applicant’s ethnic origin.

Figure 4. Interaction between Knowledge of and Support for Fair Housing Protections

		Support for Fair Housing Protections	
		Nonsupport	Support
<u>Knowledge of Fair Housing Protections</u>	Aware	Knows about the law and disagrees with it	Knows about the law and agrees with it
	Unaware*	Has no knowledge of the law and does not agree with it	Agrees with the law without knowledge of it

*Includes both those who say an illegal action is legal and those who say they do not know whether it is legal.

Using the index scores measuring the extent of people's support for fair housing protections and knowledge of fair housing law, Figure 5 divides the general public into these four groups.

1. Thirty-eight percent of the public exhibits above-average levels of support and knowledge. Their support and knowledge are congruent with each other and consistent with federal law.
2. Twenty-eight percent of the public supports many instances of fair housing protections, despite their below-average level of knowledge of fair housing law. Together, groups 1 and 2 constitute two-thirds of the public. Both support many fair housing objectives, even though those in the latter group lack information about the terms of the law.
3. Approximately one-fifth of the public approves of many instances of unlawful housing market conduct while being generally unaware that such conduct is unlawful.
4. Thirteen percent of the public approves of many instances of discriminatory conduct, notwithstanding their knowledge that much of that conduct is illegal.

Figure 5. The Relationship between Knowledge and Support Scores

		Extent of Support for Fair Housing Protections	
		Below Average	Above Average
Extent of Knowledge of Fair Housing Protections	Above Average	13%	38%
	Below Average	21%	28%

Note: N = 1,001.

Finally, given that knowledge of and support for specific fair housing laws often go hand in hand, it can be hypothesized that the more people know about fair housing law, the more likely they will favor public nondiscrimination policies. Table 8 shows the relationship between the extent of a person's fair housing knowledge and his or her support for legal restrictions to prevent discrimination in housing sales. Three-fourths of those who know the most about fair housing law favor prohibiting homeowners from refusing to sell their homes on the basis of

race, religion, or nationality, while only slightly over one-half of those who know the least about fair housing law favor such a prohibition. The latter are somewhat more likely than others to support permitting owners to restrict sales or are otherwise undecided (or nonresponsive) with respect to the issue. The increased incidence of indecision and nonresponse as knowledge decreases may suggest an apathetic as opposed to a hostile position on open-housing policy among those who know less about fair housing law.²⁴

Table 8. Knowledge of Fair Housing Law and Support for Restricting Discrimination

Referendum Preference	Extent of Knowledge (%)		
	Low	Medium	High
Cannot refuse to sell	51	64	75
Can decide to whom to sell	23	28	21
Neither (voluntary)	0	1	0
Don't know/No answer	27	7	4
Total	101*	100	100
N	158	324	519

Note: The chi-square is significant at the 0.05 level.
 * Percentage does not total 100 because of rounding.

The relationships among knowledge, support, the perception of having been subjected to discrimination, and the behavioral responses to it

The question remains as to whether fair housing knowledge makes any difference with respect to perceiving or reacting to housing discrimination. Are knowledgeable people more likely than others to perceive discrimination or to behave differently if faced with it?

Examining the relationship between knowledge and behavior requires knowing whether people have, in fact, been discriminated against. The survey could not establish objectively whether respondents had ever been subjected to discrimination as defined by the act.²⁵ Respondents were, however, asked whether they *thought* they had ever been

²⁴ An alternative explanation is that such respondents may have been concerned about the social acceptability of saying they favored a policy allowing restricted sales and chose instead to say that they did not know or not to respond at all.

²⁵ Also, the survey did not inquire about the incidence of discriminatory practices, if any, on the part of respondents.

discriminated against when trying to buy or rent a house or apartment. Since they were not given a definition of, or criteria for identifying, housing discrimination other than the fact that the query followed, in sequence, the series of scenarios discussed above, their answers depended on their own definitions.²⁶ Their judgments are clearly subjective, but such responses are useful for beginning to examine the possibility of a relationship between knowledge of the law and both (a) perceptions of discrimination and (b) reports of protective actions taken in response to it.

The extent of perceived discrimination. Fourteen percent of the adult public claims to have experienced some form of housing discrimination at one point or another in their lives. Table 9 confirms that blacks and Hispanics are more likely than whites to say they have experienced discrimination, although in absolute terms far more whites than blacks or Hispanics make that allegation—indicating that the notion of “discrimination” is understood to extend beyond the attributes of race and ethnicity. Compared with owners, current renters are more likely to believe that they have been discriminated against, although it is not known whether the discrimination involved renting. Discrimination is perceived somewhat more frequently by younger persons, compared with the oldest cohort, and by persons in households with children more than by those without—although the latter difference is not statistically significant. And people who reside in the West are twice as likely to claim discrimination as those who live in the Northeast; the locale of the discrimination experience, however, is not known.

The relationship between perceived discrimination and knowledge of fair housing law. Persons with high levels of knowledge of fair housing law are twice as likely as those with low levels to think they have been subjected to discrimination (see table 10). On the one hand, their knowledge gives credence to the likelihood that the discrimination they perceive is, in fact, conduct forbidden by fair housing law. On the other, three out of every four such persons do not know that it is legal to reject rental applicants because of their housekeeping habits.²⁷ Therefore, to the extent that even individuals who are well informed about fair housing law misidentify some legal conduct as discriminatory, there is the possibility that their perception of discrimination may stretch beyond its legal limits.

²⁶ It was beyond the scope of the survey to ask respondents follow-up questions to ascertain the kind of discrimination they believed they had experienced, the time period involved, the locale of the experience, the outcome, and so on.

²⁷ Those with low levels of knowledge of fair housing law, it should be noted, are just as likely as those with high levels of knowledge not to know that the nation’s fair housing law does not cover persons with poor housekeeping habits.

Table 9. Perceived Housing Discrimination, by Attribute

Attributes	Extent of Perceived Housing Discrimination (%)	
	Perceived Discrimination (N = 145)	All Other Answers* (N = 856)
Total	14	86
Income		
0–\$19,999	14	86
\$20,000–\$39,999	15	85
\$40,000–\$59,999	13	87
\$60,000–\$99,999	13	87
\$100,000+	15	85
Education		
0–12 years	12	88
13–17 years, no college degree	14	86
13 years or more years, college degree	16	84
Age*		
Less than 34	17	83
35–44	16	84
45–64	15	85
65+	7	93
Race/Ethnic origin*		
White	13	87
Black	24	76
Hispanic	22	78
Gender		
Male	13	87
Female	15	85
Housing tenure*		
Owner	12	88
Renter	20	80
Region*		
Northeast	9	91
Midwest	12	88
South	16	84
West	19	81
Marital status		
Married	13	87
Not married	15	85
Number of children		
Zero	12	88
One	18	82
Two	17	83
Three or more	17	83

* $p \leq 0.05$.

Table 10. Relationship between Knowledge of Fair Housing Law and Perceived Discrimination

Ever Experienced Discrimination?	Extent of Knowledge (%)		
	Low	Medium	High
Yes, perceived discrimination	8	11	18
No/Don't know/Not sure	92	89	82
Total	100	100	100
N	158	324	519

Note: The chi-square is significant at the 0.05 level.

Responses to perceived discrimination. Most (83 percent) of those who thought they had been discriminated against said they had done nothing about it. The reasons they took no action are varied. A plurality, apparently, concluded that reacting to disfavored treatment was not worthwhile: 38 percent of all responses to a query asking why no action was taken are to the effect that there was no point in it, that it would not have solved the problem, or, in some instances, that it could have made the problem worse. Twenty-nine percent of responses indicate that the respondent went somewhere else to rent or buy—in some instances because it was simply easier or because the respondent did not want to live near, or rent or purchase from, the person discriminating. Fourteen percent of responses involve admissions of not knowing what to do, to whom to complain, or enough about one's rights. Additional reasons for inaction include the subtlety of the discrimination; the costs and red tape associated with pursuing it; the fact that there were no equal housing laws at the time or that there was no one to hear the complaint; acceptance of the idea that "discrimination is common"; belief that the discrimination was not serious; recognition that respondents did not have enough money to qualify for renting or purchasing; and, in some instances, the view that landlords had a right to their opinions and rules.

Of the 17 percent of respondents who took some action when they sensed discrimination, approximately equal proportions (a) complained to the person thought to be perpetrating the discrimination²⁸; (b) filed a complaint with or sought help from a fair housing group, another organization, a government agency, or the legal system; or (c) did

²⁸ The fact that most people either did nothing or otherwise complained only to the person deemed to be discriminating suggests that there is a much greater incidence of *perceived* housing discrimination among the general public than a tally of complaints by government agencies, fair housing groups, or the legal system would indicate.

something else.²⁹ Although it is not known what doing “something else” involved, those who sought help or filed a complaint or lawsuit seemingly were more aggressive and self-protective than those who merely complained to the perpetrator. Depending on what “something else” consisted of, therefore, somewhere between one-third and two-thirds of those who thought they had been discriminated against took aggressive action.

The relationship between response to perceived discrimination and knowledge of fair housing law. Table 11 shows that 23 percent of those with a high level of knowledge said they had done something about the treatment they received, compared with only 8 percent of those with a low level. In other words, people with more knowledge are over two-and-one-half times more likely to have done something than those with less knowledge. Carried one step further, table 12 shows the relationship among fair housing knowledge, support for fair housing prohibitions, and actions taken in response to perceived discrimination. Although the numbers are relatively small and the findings are therefore tentative, it is clear that the combination of high levels of knowledge of, and support for, the law produces the largest response proportion. Almost one in four of those with above-average levels of knowledge and support did something, compared with only 3 percent of those with below-average levels of both. As a final point, it is worth noting that those who are knowledgeable about the law yet disagree with it (i.e., above-average knowledge/below-average support) are somewhat more likely than those with below-average knowledge—regardless of support level—to have taken some action in the face of perceived discrimination. Therefore, while knowledge and support each contributed to the probability that action was taken, higher levels of knowledge more than support are associated with the likelihood of response.

Table 11. Relationship between Knowledge of Fair Housing Law and Response to Perceived Discrimination

Response to Perceived Discrimination	Extent of Knowledge (%)		
	Low	Medium	High
Did something	8	12	23
Did nothing/Don't know	92	88	77
Total	100	100	100
N	12	40	93

Note: The chi-square is significant at the 0.05 level.

²⁹ A very small proportion did not say or were unable to remember what they had done.

Table 12. Relationship among Knowledge of Fair Housing Law, Support for Fair Housing Law, and Response to Perceived Discrimination

Response to Perceived Discrimination	Above-Average Knowledge (%)		Below-Average Knowledge (%)	
	Above- Average Support	Below- Average Support	Above- Average Support	Below- Average Support
Did something	23	17	13	3
Did nothing/Don't know	77	83	87	97
Total	100	100	100	100
N	77	16	30	22

Note: The chi-square is significant at the 0.05 level.

Implications

According to economist George Galster (1998, 1999), the juxtaposition of a continuing high incidence of housing market discrimination with long-standing laws prohibiting such conduct raises a troubling issue about the adequacy of fair housing enforcement. He argues that the potential deterrence effect of fair housing laws is diminished because discriminatory acts are camouflaged, with victims seldom recognizing that their rights have been violated. Yet it is victims' complaints to appropriate authorities that trigger the enforcement mechanism. Indeed, Galster (1998, 1999) concludes that the requirement that victims recognize and formally complain about suspected acts of discrimination is a "fundamental flaw" in the Fair Housing Act and that combating differential treatment requires more than just informing victims of their rights or otherwise enhancing the current mechanism. Accordingly, he calls for a more proactive testing approach to enforcement. Likewise, fair housing advocate William Tisdale (1999) argues that "[t]he push to make education a remedy for racial discrimination is predicated on the assumption that discriminatory acts are perpetrated by well-meaning but slightly biased or uninformed persons" (149) and that current public-private partnerships employed to eradicate discrimination "have caused little more than wide distribution of fair housing posters and more actionless calls for race-neutral housing industry policies" (149). As an antidote, he puts forth a broad, well-thought-out strategic agenda to combat discrimination—an agenda involving the government, the housing industry, researchers, and the fair housing movement but one that includes only a passing reference to public education.

Galster (1999) and Tisdale (1999) are clearly correct in their views that the eradication of housing discrimination requires a many-faceted, concerted, and proactive effort focused, in large part, on perpetrators—especially when it comes to racial discrimination. Whether public education should be so downplayed as part of a fair housing strategy, however, is not equally clear in light of the recent survey and when the broader picture is taken into consideration. For one thing, fair housing policy extends beyond racial discrimination where, undeniably, market practices and long-standing residential patterns have been slow to change; the law applies equally to all protected classes. And for another, not all discriminatory conduct is hidden or subtle; some, if not much, of it is recognizable if one knows what the law prohibits. Finally, the federal government provides funding to public and private agencies and organizations for purposes of promoting fair housing, including public education; at minimum, therefore, the role and contribution of such efforts should be questioned and debated.

The premise underlying public education programs is that increased knowledge is a stepping-stone to reduced discrimination. Few would argue that public knowledge alone would end discriminatory practices, yet the correlates of higher levels of knowledge that emerge from this survey are worth considering. The association among knowledge, recognition of conduct perceived to contradict the law, and willingness to respond to such conduct suggests at least some link between knowledge and the likelihood of enabling self-protective actions, as envisioned by the act. It is also clear, however, that more than knowing how to assess disfavored treatment as illegal is needed to explain variation in victims' responses to perceived discrimination. At best, only 23 percent of those who are most knowledgeable about and supportive of fair housing law chose to respond when they thought they had been discriminated against. The bottom line, it would seem, is that while education is not the only answer, it should also not be dismissed.

What kind of education program is needed to enhance public knowledge of fair housing law? Although the survey cannot answer that question, it does provide some clues. An effective, sophisticated, and well-designed education campaign should be based on empirical evidence regarding the current state of the public's fair housing literacy. What the survey indicates on this score is that there are no especially large differences in the level of public knowledge of fair housing law across different demographic segments of the population. With the possible exception of younger persons, therefore, there is no obvious requirement to target one group over another. Nonetheless, the survey does show that it is important to focus on some areas of discrimination more than on others. For instance, many people are not aware of the law as

it pertains to persons with disabilities and as it involves real estate searches, indicating a need for more emphasis on these aspects.

Yet possibly the most dramatic finding from the survey involves the limited knowledge of and support for that portion of fair housing law prohibiting discrimination against families with children. Compared with other forms of housing discrimination, for which there is at least an informed and supportive majority, a relatively small portion of the population comports to existing law with regard to the treatment of families. For purposes of fair housing education, this suggests not only the need for more emphasis on the rights of such families, but also the need to raise the level of public understanding as to *why* differential treatment of families with children warrants legal protection.

There may also be value in structuring different kinds of educational strategies depending on the interplay between knowledge and support. For example, a quite different approach may be required for those who oppose unlawful conduct without being aware that the conduct is against the law than for those who support such conduct while knowing it to be illegal.

Beyond suggesting that there is potential value in continuing to promote fair housing knowledge among the general public, the survey demonstrates the need to improve public confidence that there are satisfactory opportunity and means to remedy discriminatory behavior should it be experienced. This involves, initially, raising the level of understanding of the complaint and enforcement system, then demonstrating that the system applies to the range of conduct constituting housing discrimination, and, ultimately, encouraging greater trust in the efficacy of that system. As the survey makes clear, most people, including most of those with high levels of fair housing knowledge, did not take action when they thought they had experienced discrimination. That pattern clearly undermines the remedial and deterrent potential of the enforcement system.

Those who believe that the current, complaint-motivated system is not working efficiently or effectively would, of course, argue that such a confidence-promoting educational strategy would not hold up. That is another issue, which is not appropriately addressed here. What is clear from the survey, however, is that the explanation given by many for inaction—that action is not worth it—needs to be looked at further, since it is not obvious what needs to be done to correct the situation. At minimum, additional study seems warranted to explore what people think is involved in complaining, why so little is expected from the system designed to provide adjudication and remedy, and what the public needs to know to motivate a more assertive response.

Further research is also needed with respect to changes in the level of public knowledge over time, especially now that baseline data are available. It seems important to assess whether the current level and type of effort being made to educate the public about fair housing law is producing the desired results. The current survey, therefore, should be replicated every several years to measure fair housing education efforts. A lack of improvement in public knowledge beyond what was measured at baseline would warrant a hard look at the design and implementation of programs meant to increase that knowledge.

Last, given the high incidence of perceived housing discrimination revealed by the survey, it is worth considering how better to measure and monitor the incidence of perceived discrimination over time and to determine whether the general public believes matters to be getting better or worse. It would also be useful to see how the public's definition of housing discrimination compares with the terms of the Fair Housing Act—a limitation of the present survey that should be pursued. The fact that so many people believe it to be illegal for a landlord to reject an applicant because of housekeeping habits certainly suggests a broader view of discrimination than that proscribed by federal law. Alternatively, minimal recognition of the fact that differential treatment of families with children is illegal suggests a narrower view. Thus, alongside objective assessment and tracking of the frequency of discriminatory actions by landlords, home sellers, real estate agents, mortgage lenders, or others, it would be helpful to learn whether the public perceives more or less discrimination in the housing market over time.

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