

THE SUBTLE DISCRIMINATION OF VOICE PROFILING

By Judith I. Johannsen

Racial discrimination in the 1950s and 1960s was pervasive, in your face, and obvious. There were "Whites Only" signs at restaurants, restrooms and water fountains in the South. The civil rights movement and the federal and state fair housing laws forced change, but the work is not over.

In 2006, discrimination in housing still exists, but it can be cloaked in subtlety and not as easily detectible. A good example of this subtlety is *voice profiling*, which is making assumptions about a person based on a voice on a telephone, what sex they are, approximate age, and where in this country they hail from.

This deduction or assumption, by itself, is not discrimination, but denying someone services based on that assumption is. A leasing agent or landlord not returning a phone call, or stating that an apartment is unavailable when it actually is available, based on a voice sounding African American, Latino, Asian, or female has unlawfully denied that applicant a place to live. There you have it, the quiet, almost unnoticeable, discrimination.

This practice of voice profiling is exposed when testers, white and minority, contact landlords and leasing agents inquiring about available housing. The results? White-sounding voices receive return calls and are offered appointments to view properties, while minority callers, more often than not, do not have their calls returned or are not offered appointments.

Sometimes a seller's or landlord's explanation for rejecting a potential buyer or tenant sounds so logical that it's not immediately recognizable as discrimination. For example, being told that families with children must live on the ground floor so children won't fall from upper floor windows or balconies and, by the way, we have no more ground floor units, or, because your family has a young son and daughter, they can't sleep in the same bedroom, so you can't have the two bedroom unit, you'll need a three bedroom and we don't have any available right now.

There is another set of citizens that routinely suffers discrimination/adverse treatment when seeking housing – people with disabilities. Disabilities are not limited to physical difficulties such as blindness and deafness but also include mental and/or emotional disabilities.

In many cases, those with disabilities use service animals to help them maneuver through life, such as a seeing-eye dog for a blind person or a companion animal for someone with a mental and/or emotional disability.

Often, a landlord refuses to allow a tenant's animal because of an existing "no pets" policy. Because service or companion animals are not pets and they must be allowed under the law as a reasonable accommodation, notwithstanding the "no pets" policy.

Reasonable accommodations are not exclusive to service animals as they also include requests for a parking space nearer to one's unit, for an alteration to the interior of a unit, for construction a ramp to access the unit.

Whether the request is for a service animal, a companion animal, or for alteration of a unit to provide access, a landlord's failure to reasonably accommodate is a violation of a disabled person's civil rights.

Landlords and tenants both need to know that denying someone access to living quarters based on voice profiling is discrimination and is illegal, families with children are not restricted to first floor apartments and may live on any floor, children of the opposite sex may share a bedroom, and service animals are not pets and must be allowed as a reasonable accommodation.

We are well past the dawn of the civil rights movement and many prospective tenants are still being refused opportunities to rent based on unlawful criteria by slow-to-learn landlords who fail to adhere to the federal and state fair housing laws.

These laws state that, with some specific exceptions, it is unlawful to discriminate in the financing, rental or sale of any housing based on race, color, religion, sex, national origin, disability (physical, mental or learning), familial status, marital status, age, lawful source of income and sexual orientation.

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