

# **Pilot for Estimate of Housing Discrimination against Lesbian, Gay and Transgender People:**

## **Supporting Statement for Request for Clearance: Part A**

January 7, 2014

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Contract No. C-NYC-00936-005

UI No. 08577-005-00

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## JUSTIFICATION

This supporting statement provides detailed information on proposed data collection associated with one component (focus groups) of the pilot study of housing discrimination against lesbian, gay and transgender (LGT) people. The overall project is a paired-testing based study that will produce an estimate of the incidence of housing discrimination in the rental housing market against lesbians, gay men and transgender men and women in a small number of study sites, and will compare the utility of email testing with in-person testing. The 2-year, 3-month study is being conducted by the Urban Institute (UI) for the Office of Policy Development and Research, U.S. Department of Housing and Urban Development (HUD). The focus group component of the study will take place over the course of one month.

### **A1. Circumstances that make the collection of information necessary**

Although a few organizations have conducted tests for housing discrimination against LGT people, there has been no systematic, in-person study undertaken toward this end until this study. The federal Fair Housing Act (FHA), passed in 1968 and substantially amended in 1988, established “the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.” Section 3608 of this statute mandates that the Secretary of the U.S. Department of Housing and Urban Development (HUD) shall “make studies with respect to the nature and extent of discriminatory housing practices in representative communities urban, suburban, and rural throughout the United States” and requires the Secretary of HUD to “publish and disseminate reports, recommendations, and information derived from such studies.” HUD’s reports, according to the FHA, should specify “the nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of [the FHA], obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action.”

There is increasing evidence that gay, lesbian, bisexual, and transgender people face discrimination in the housing market. At least 17 states and over 80 municipalities have added prohibitions against sexual orientation discrimination to their fair housing laws (Button, Rienzo and Wald, 1997). Some of these jurisdictions, such as New York City, have additionally included gender identity in their local fair housing laws to prohibit housing discrimination against transgender people. At the Federal level, HUD’s 2012 final rule, “Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity,” requires HUD-funded and HUD-insured housing providers and FHA-approved lenders to provide equal access without regard to sexual orientation or gender

identity (Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, 2012). Similarly, the Obama Administration, through the Secretary of HUD, has made known its determination that “a qualified individual and family will not be denied housing choice based on sexual orientation or gender identity” (press release October 21, 2009). These strides, along with the Supreme Court’s recent ruling on the Defense of Marriage Act, which ruled that married same-sex couples are entitled to federal benefits, present a new window of opportunity for the LGBT community. At present, however, private market housing discrimination based on sexual orientation and gender identity is not prohibited by federal law, leaving lesbians, gays, bisexual and transgender people vulnerable to continued housing discrimination. To provide a basis on which any future actions might be taken, much more needs to be learned about the nature and extent of discrimination against lesbian, gay, bisexual, and transgender people. This pilot study will yield baseline estimates and best methods for a national-scale study of the incidence and severity of discrimination that lesbians, gay men and transgender persons confront when searching for rental housing.

The study will use qualitative methods to collect information that will be used to inform the development of data collection protocols and to develop a plan to support the safety of people engaged in data collection. It will use quantitative methods to develop estimates of discrimination against LGT people and to assess the utility of email compared to in-person data collection approaches.

This supporting statement requests approval only for the qualitative component of the study: focus groups with people who are lesbian, gay, heterosexual, and transgender.

## **A2. How, by whom, and for what purpose the information is to be used**

UI is responsible for the design, data collection, and analysis for the Pilot for Estimate of Housing Discrimination against Lesbian, Gay and Transgender People. UI will report study findings to HUD’s Office of Policy Development and Research, which, in turn, will report this information to the affected communities and the general public.

The component of the study that is the subject of this document, the focus groups, will be conducted by UI staff for research design and implementation purposes.

### **Project Overview**

The study has three objectives: 1) to develop and demonstrate the feasibility of an in-person, paired-testing protocol and conduct a pilot test to estimate baseline levels of rental housing discrimination against men partnering with men and women partnering with women relative to comparable heterosexual couples in two major metropolitan areas; 2) to develop and pilot test an in-person, paired-testing protocol to estimate rental

housing discrimination against transgender persons in one major metropolitan area; and 3) to test the utility of email testing compared with in-person testing.

#### **How the Information will be Used**

The information collected during focus groups will be used by UI researchers for two purposes: to inform the development of data collection protocols and to inform the development of a safety plan for people engaged in data collection activities.

#### **Who Will Collect the Information**

The focus group discussions will be facilitated by experienced UI staff.

#### **Purpose of the Data Collection**

The purpose of the data collection via focus groups is threefold:

- To gather information from lesbians, gay men, heterosexual men and women, and transgender men and women about rental housing search practices in order to identify any differences in practice among these groups that will need to be considered for the design of the primary data collection effort;
- To gather information that will inform the design of data collection protocols, especially related to the ways in which people might identify themselves in terms of sexual orientation or gender identity to prospective landlords; and,
- To discuss potential safety risks that people involved with the primary data collection effort might face and to explore approaches to mitigate the risks.

#### **Data Collection Procedures**

The study will require the collection of information from three main types of sources, as detailed below. OMB clearance is requested for the second activity only – focus groups.

***Discussions with Experts.*** Discussions will be held with people knowledgeable about paired testing for research purposes, paired testing focused on treatment of lesbians, gay men and transgender people, safety issues among lesbian, gay men and transgender people, and paired-testing data analysis. Such experts include officials from HUD, staff from fair housing organizations, representatives of key interest groups (such as the Human Rights Campaign and the National Center for Transgender Equality), and policy researchers.

**Focus Group Discussions.** Focus groups will be held with members of the general public who identify as lesbian, gay, heterosexual, transgender male, or transgender female. Up to 5 groups will be held, one with each target group, with up to 15 participants per group. The groups will be held in Washington, DC and moderated by a UI staff member who is experienced in focus-group research. Discussion topics will include housing search practices, how people convey their sexual orientation or gender identity, and safety concerns and practices. The data collection instrument and other focus group materials are presented in Attachment A; advance materials for the groups are presented in Attachment B.

**Paired Testing.** The paired-testing data collection will be carried out by 3 subcontractors in 3 sites yet to be determined. UI project staff will train subcontractor staff and will closely supervise their work. A total of 2,000 tests will be conducted, 1,400 of which will be carried out in person and 600 via email. Housing providers contacted to ask about available housing will be randomly sampled from publicly available sources for rental advertisements. Subcontractors will document the information gathered from housing providers about housing availability and rental terms.

### **A3. Use of automated electronic, mechanical or other technological collection techniques to reduce burden**

Focus-group methodology is based on face-to-face discussions, which encourage interaction among participants. To support the best discussion possible, the meetings will take place in-person rather than remotely with a web-based application. UI staff members will record manually key information shared during the focus group, either by handwriting notes or typing notes directly into a laptop.

### **A4. Efforts to identify duplication**

As noted in the HUD solicitation under IDIQ contract C-NYC-00936 commissioning this study, there has not been a systematic, multi-site research-based examination of the treatment of lesbians, gay men and transgender people utilizing the in-person, paired testing method, which is considered the gold standard in housing discrimination research.

During proposal development, UI conducted a review of the literature. We are confident that the current effort does not duplicate existing information. The focus group data collection effort is designed specifically to support this study, so we also are confident that information from the discussions we will moderate is not otherwise available to us. We will solicit input from experts on the same topics to be explored during the focus groups but such input will be based on practitioner experience and other relevant but distinct efforts in which the experts might have engaged.

#### **A5. Methods to minimize the burden on small businesses or other small entities**

Focus group participants will be individuals; no small businesses or other small entities will participate. Participants will meet only one time for a discussion to last no more than 1.5 hours.

#### **A6. Consequences if data are not collected**

This study will be the first systematic, in-person paired-testing effort to examine treatment of lesbians, gay men and transgender people in the rental housing market. The study will produce an estimate of discrimination that can serve as the baseline for any future actions and will produce research protocols that could be used to support a larger effort. It is vital that the design of data collection protocols take into consideration input from people similar to those who are the focus of the study. Failure to collect qualitative data from the focus groups will result in protocols that might not reflect pertinent factors related to housing search practices and the ways in which people identify themselves. Also, without the discussions, we will not have fully considered safety risks and responses that will be important to the development of the safety plan to protect people collecting data.

#### **A7. Special circumstances**

The proposed data collection activities are consistent with the guidelines set forth in 5 CFR 1320.6 (Controlling Paperwork Burden on the Public—General Information Collection Guidelines). There are no special circumstances that require deviation from these guidelines.

#### **A8. Federal Register Notice**

In accordance with 5 CFR 1308.8 (d) a *Notice* was published in the *Federal Register* on July 17, 2013 (page 42797-98, FR-5689-N-06) announcing the HUD office of Policy Development and Research's intention to request OMB review of the focus group data collection effort and soliciting public comment (Attachment C). Formal comments were received from the City of Flagstaff Housing Authority. The comments questioned the need for the focus group but did not anticipate a paperwork burden for the participants. HUD responded to the letter by detailing its role in providing fair and equal access to housing for all people and explained the role of the focus groups in informing the research process (Attachment D).

## **A9. Remuneration to respondents**

Focus group participants will receive a \$20 incentive either in cash or a gift card, plus refreshments. The provision of an incentive will help with the recruitment of participants to encourage them to participate in the discussion group.<sup>1</sup> Further, some discussion group participants may incur direct costs (such as transportation) for attending the focus group, and consequently might not be able to participate without remuneration.

## **A10. Assurances of confidentiality**

Data collection and analysis for the Pilot for Estimate of Housing Discrimination against Lesbian, Gay and Transgender People will be done by UI under HUD Contract C-NYC-00936-005. UI maintains an Institutional Review Board (IRB) to ensure that research practices and procedures effectively protect the rights and welfare of human subjects, consistent with the requirements set forth in Title 45, Part 46 of the *Code of Federal Regulations* (45 CFR 46). UI's policy is that all research involving human subjects, not just research sponsored by federal government agencies that have adopted the Common Rule under 45 CFR 46, must adhere to the following principles, among others:

- Risks to human subjects from research must be reasonable in relation to anticipated benefits, and must be minimized to the extent possible;
- Human subjects must be fully and accurately informed of the nature of the research in which they will be involved, whether their participation is mandatory or voluntary, any consequences of non-participation, any risks associated with their participation, and how the research will be used;
- Adequate provision must be made to protect the privacy of human subjects and to maintain the confidentiality of data that are collected, where promised and as appropriate.

Prospective focus group participants will be informed, through introductory communications and as part of the focus-group process, about the purpose of the data collection, its sponsorship, that participation is voluntary, and responses will be kept confidential. Accordingly, reports produced by UI for HUD will not name individuals who

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<sup>1</sup> Goldenkoff, Robert, Using Focus Groups (pp. 340 – 362) *In Handbook of Practical Program Evaluation*, 2<sup>nd</sup> edition. J. Wholey, H. Hatry, and K. Newcomer, Eds. San Francisco: Wiley & Sons, Inc.; Singer, Eleanor (2002). "The Use of Incentives to Reduce Nonresponse in Household Surveys." *In Survey Nonresponse*, eds. Robert M. Groves, Dan A. Dillmon, John L. Eltinge, and Roderick J.A. Little. p. 163-77.



participate in the focus groups and will not link participants with particular information collected.

Within UI, only staff participating in the focus group task will have access to information identifying particular respondents; these staff will have signed the *Data Confidentiality Pledge*. (All UI project staff, as well as expert panel members and data collection subcontractors will sign this pledge.) Hard-copy materials, such as the focus-group sign-in sheets, containing respondent identifying information will be locked up when not in use, and electronic materials with identifying information, such as list of anticipated participants, will be stored on a secure server.

#### **A11. Questions of a sensitive nature**

The questions being asked of focus group participants do not include topics that are commonly considered private, such as sexual behavior and attitudes or religious beliefs. Participants will, however, be informed that participation is voluntary and that they can decline to answer any question without consequence. The questions will be reviewed by members of the expert panel and UI project staff, as well as UI's IRB committee to identify any questions that might be considered sensitive so that we might edit questions to minimize the sensitive nature of them. During the focus group, we will include reminders about our assurance of confidentiality.

Though questions are not sensitive, project staff will secure all focus group materials (screener call log, discussion notes, participant background forms, and stipend receipt forms). UI staff will store electronic documents (screener call log and discussion notes) on a secure drive accessible only to project staff and will maintain paper documents (participant background forms and stipend receipt forms) in a locked file cabinet in the PI's office. The screener call log will be destroyed once the focus groups have been completed. Focus group notes, which will not contain participants' names, will be kept indefinitely to allow for subsequent analysis, as allowed by HUD. If notes are taken initially by hand, the handwritten notes will be shredded once they are typed and stored electronically. Participant Information forms and stipend receipt forms will be shredded once the study has been completed.

#### **A12. Estimates of the burden of the collection of information**

##### **12a. Estimate of respondent burden hours**

The data collection activities will involve focus groups. Members of the affected public include:

- Lesbians: group discussion with up to 15 people in 1 location.
- Gay men: group discussion with up to 15 people in 1 location.
- Heterosexual women and men: group discussion with up to 15 people in 1 location.
- Transgender women: group discussion with up to 15 people in 1 location.
- Transgender men: group discussion with up to 15 people in 1 location.

The burden estimate is based on the plan to limit the focus group discussions to 1.5 hours and on prior experience with similar data collection instruments and respondents. See Table 1 for an overview of the estimate of participant burden hours.

**Table 1: Estimate of Participant Burden Hours**

Focus Group Participants	Max Number of Respondents	Number responses per respondent	Average burden/ response (in hours)	Total burden hours
Lesbians	15	1	1.5 hours	22.5 hours
Gay men	15	1	1.5 hours	22.5hours
Heterosexual women and men	15	1	1.5 hours	22.5hours
Transgender women	15	1	1.5 hours	22.5hours
Transgender men	15	1	1.5 hours	22.5hours
<b>TOTAL</b>	<b>75</b>			<b>112.5</b>

**12b. Cost burden to respondents**

Potential focus group participants are likely to range widely in position and earnings. The median hourly wages of selected occupations (classified by Standard Occupational Classification, SOC, codes) was compared using Occupational Employment Statistics from the U.S. Department of Labor's Bureau of Labor Statistics. Potentially relevant occupations and their median hourly wages include:

Occupation	SOC Code	Median Hourly Wage Rate
Laborer	53-7062	12.70
Office clerk	43-9061	14.07
Loan Officer	13-2072	33.82
Social/community service manager	11-9151	30.99
Managers, all others	11-9199	50.79

Source: Occupational Employment Statistics, May 2012, accessed online January 3, 2013 at [http://www.bls.gov/oes/current/oes\\_stru.htm](http://www.bls.gov/oes/current/oes_stru.htm)

We use the average for these occupations, or \$28.47 per hour. Based on this assumption, the estimated total respondent costs are:

$$112.5 \times \$28.74 = \text{Total Participant Cost of } \$3,233.25$$

**A13. Total annual cost burden to respondent or record keepers**

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

**A14. Estimate of annual cost to the government**

The total cost for this study, including but not limited to the data collection activities described in this submission, is \$2,908,335 over a 27-month period (based on the pre-modified contract), or approximately \$1,292,593 annually. Included are costs associated with research design, development of data collection instruments and training materials, data collection activities, analysis, reporting, and project management. The cost of the component for which we are asking OMB approval is \$43,602 over a one-year period. Included are costs associated with design of the focus group guide, participant recruitment, data collection, analysis, and summary of findings.

**A15. Reasons for any program changes or adjustments**

This submission is a new request for approval; there is no change in burden.

**A16. Plans for tabulation, analysis, and publication**

Focus groups will begin after OMB approval; assuming OMB approval is received by June 24, 2014, the focus group activities will commence immediately and end July 22, 2014. Analysis of the resulting qualitative data will inform the Data Collection and Analysis Plan, the final version of which is scheduled to be submitted on August 19, 2014.

Data will be analyzed to identify any differences in housing search practices among LGT and heterosexual people; if and how LGT and heterosexual people communicate their sexual orientation or gender identity; and possible risks LGT people might face during housing searches along with ideas for mitigating such risks.

**A17. Approval to not display the OMB expiration date**

Not Applicable. UI plans to display the expiration date for OMB approval of the information collection on focus group documents, including the recruiting materials, participant sign-in sheets, and background sheets.

**A18. Exception to the certification statement**

This submission, describing data collection, requests no exceptions to the Certificate for Paperwork Reduction Act (5 CFR 1320.9).