

The Equal Rights Center Resolves Race and Source of Income Discrimination Complaint Through Robust, Court Enforced Agreement with DC Housing Provider

DECEMBER 1, 2017

This press release was prepared and disseminated in conjunction with [The Equal Rights Center \(ERC\)](#) and the [Washington Lawyers' Committee for Civil Rights and Urban Affairs](#). WilmerHale and the committee represent ERC.

The ERC, a civil rights organization that seeks to promote equal opportunity in housing, has entered into a consent agreement with The Lenkin Company Management/Residential, Inc. and related entities (The Lenkin Entities). The agreement will increase racial equity and make it easier for Housing Choice Voucher users to secure housing opportunities in the District. The Lenkin Entities offer housing in the District's Northwest quadrant.

The agreement resolves a complaint the ERC filed in DC Superior Court in April, which alleged that The Lenkin Entities were violating the DC Human Rights Act (DCHRA) and the federal Fair Housing Act (FHA). The ERC's allegations were based on a telephone testing investigation that revealed the housing provider had refused to rent available units in properties located in Wards 1 and 3 in the District's Northwest quadrant to recipients of Housing Choice Vouchers, which is expressly prohibited by the DCHRA. Such policies also disproportionately affect African Americans, who make up the vast majority of Voucher holders in the District. In its complaint, the ERC cited statistical data showing that a refusal to rent to Voucher holders is 71 times more likely to exclude African-American renters than white renters, a disparate impact that violates prohibitions on racial discrimination under both the FHA and the DCHRA.

Shortly after filing the complaint, the parties entered into good faith negotiations that resulted in the agreement which provides The Lenkin Entities do the following:

- Affirmatively market units to Voucher holders by providing timely vacancy information to a pre-identified list of service providers that assist Voucher holders with locating and securing housing that meets their needs;
- Disclose their tenant selection criteria to applicants before an application is submitted;
- Identify and train two employees to serve as Housing Choice Voucher liaisons to applicants seeking to rent available units with Vouchers.

- Hold open for 30 days any units for which a Voucher holder is the first applicant to allow sufficient time for D.C. Housing Authority processing;
- Undergo extensive fair housing training and civil rights testing over the course of a three-year term to ensure compliance with the agreement and fair housing laws.

In addition, The Lenkin Entities will make a monetary payment of \$125,000 to the ERC to cover costs, attorneys' fees, and damages. The full agreement is available [here](#). A copy of the original complaint is available [here](#).

The ERC was represented in this matter by the Washington Lawyers' Committee for Civil Rights & Urban Affairs and WilmerHale. The WilmerHale legal team includes [Steven Cherry](#), [Dyanne Griffith](#), [Ericka Aiken](#), and [Jennifer Jacoby](#).

Housing Choice Vouchers are subsidies designed to help low-income individuals and families obtain housing by permitting individuals to offset a portion of their rent with a Voucher. Administered by local authorities as part of a larger federal program, the Housing Choice Voucher Program was designed to permit low-income individuals and families to obtain housing outside of areas of concentrated poverty so as to obtain greater access to quality economic and educational opportunities.

ERC Executive Director Melvina Ford comments, "In the District, discrimination against Voucher holders is tantamount to racial discrimination. Ongoing source of income and race discrimination reinforces and builds upon a harmful history of segregation and inequality. We applaud The Lenkin Entities for entering into today's agreement, thereby signaling that they are willing to act decisively to comply with their fair housing obligations and create more equitable housing opportunities."

WLC Executive Director Jonathan Smith states, "The consent agreement entered into by The Lenkin Entities represents a critical step toward breaking down the arbitrary barriers that Voucher holders face when seeking housing, barriers which for too long stymied their housing choice and helped perpetuate racial and economic segregation. This agreement will both ensure meaningful housing choice for Voucher holders in the District and carry the force of law."

WilmerHale Partner Steven Cherry notes, "The laws outlawing discrimination of the kind alleged here are designed to ensure that individuals are not prevented from obtaining quality housing based on their race or receipt of housing subsidies. We hope this suit will encourage all District landlords to comply with the anti-discrimination laws."