

Ethnic discrimination upon request?

Real estate agents' strategies for discriminatory questions of clients

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ABSTRACT

Ethnic discrimination is very persistent on the rental market. Real estate agents hold a unique position, as the intermediate link between owners with specific (discriminatory) desires on the one hand and rental candidates on the other. By means of the relatively new technique of mystery calls among 400 real estate agents in the Brussels Capital Region in Belgium, this study sheds light on the strategies realtors follow and which justifications they make to comply or oppose to discriminatory requests of owners. It appears that an important share of realtors is willing to act discriminatory upon request. They develop a few strategies to bring discriminatory requests into practice, ranging from straightforward exclusion and discouraging minorities to facilitating discrimination by composing lists of rental candidates. Whereas quantitative analyses showed some variance in discriminatory intentions according to the ethnic neighbourhood composition, which is in line with the neighbour taste-based discrimination theory, qualitative analyses especially revealed justifications which confirm the owner taste-based discrimination reasoning. Moreover, realtors underscored the “economic rationality” of owner taste-based discrimination. In addition, realtors also referred to ideas of statistical discrimination by making distinctions between “good” and “bad” ethnic minority groups.

KEYWORDS

Discrimination; Real estate agents; Mystery calls; Private rental market; Mixed method

1. Introduction

Despite antidiscrimination legislation being installed and a right to housing being ascribed to citizens in many countries, various groups still experience an uneven access to decent housing. Discrimination does not only hinder equal access to housing but also violates other dimensions of the *equal right to housing* (see Yung and Lee 2012). Discrimination by landlords and real estate agencies may force minorities into buying a property, violating the free choice to rent, and consequential also the free choice of neighbourhood. Discrimination may also push minority groups in accepting inadequate housing and/or disproportionately high rents in order to find accommodation (Yung and Lee 2014, p. 568).

Still, over the past decades, numerous researchers and governmental bodies have produced a convincing body of research on the persistence of discrimination against ethnic minorities on the rental market (Auspurg, Schneck and Hinz 2018; Flage 2018). Research has not only been able to examine the magnitude of the problem through calculating discrimination rates, but also provided insight in different motives for rental discrimination (e.g. Ahmed, Andersson and Hammarstedt 2010; Bosch, Carnero and Farré 2010; Baldini and Federici 2011; Ewens, Tomlin and Wang 2014; Hanson and Santas 2014; Auspurg, Hinz and Schmid, 2017) and varying contexts in which discrimination occurs (e.g. Ondrich, Ross and Yinger, 2003; Carlsson and Eriksson 2014; Ewens et al. 2014; Hanson and Hawley 2014; Auspurg et al. 2017).

Ethnic discrimination proves to be a persistent problem on the private rental market in Belgium too. Rental candidates with Arabic or Eastern-European sounding names are discriminated against by both private landlords and real estate agents (Réa 2004; Van der Bracht, Coenen and Van de Putte 2015; Heylen and Van den Broeck 2016; Verhaeghe,

Coenen, Demart et al. 2017). Moreover, there appears to be a shift in relevance of different actors within this market segment.¹ Over the past decade, more dwellings are let after mediation by a real estate agent instead of directly by private landlords.² These real estate agents are not only bound by national antidiscrimination and antiracism legislations, but should also respect their professional deontology that prohibits discrimination (Verstraete, Vermeir, De Decker et al. 2017). This code of practice includes a catch-all principle: all legal and regulatory codes regarding the profession should be respected, with an explicit reference to antidiscrimination legislation. Violating this code may lead to disciplinary proceedings by the Professional Institute of Real Estate Agents which may impose sanctions including a warning, a suspension or a withdrawal of license to operate. Next to this disciplinary procedure, alleged victims of discrimination can also start a civil procedure. A civil conviction may lead to a compensation (for actual damage or a pre-defined lump sum) and a prohibitory injunction. Notwithstanding these disciplinary and legal procedures, the number of complaints for discrimination as well as the number of cases leading to proceedings remain low (Verhaeghe 2017; Verstraete et al. 2017).

Importantly, discriminatory requests by property owners do not exempt brokers from their responsibility to respect antidiscrimination laws (Verstraete et al. 2017). Yet research in Belgium has shown that these actors take a specific position between landlords and rental candidates in the framework of discrimination (Loopmans et al. 2014, p. 210-213; Van den Broeck & Heylen 2015³). To a significant degree, they are willing to discriminate against ethnic minorities upon the request of the property owners. However, national and international literature has shown little attention for the intermediate role of real estate agents in rental discrimination thus far. It has been shown that realtors do discriminate against ethnic minorities on the rental market (e.g. Carpusor and Loges 2006;

Baldini and Federici 2011; Hogan and Berry 2011; Heylen and Van den Broeck 2016) and that they steer some ethnic groups to some neighbourhoods (e.g. Ondrich et al. 2003; Ross and Turner 2005). But the different techniques they apply or the rationales for discriminating they formulate, remain largely unknown.

While others have tried to reveal discriminatory practices of brokers (Van den Broeck & Heylen, 2015), this study aims to gain more insight on the underlying justifications of realtors for these practices as well, starting from the main theoretical explanations for ethnic discrimination: “taste-based discrimination” (Becker 1971) and “statistical discrimination” (Arrow 1971; Phelps 1972). We first seek to reveal which strategies agents develop to deal with discriminatory request of owners and subsequently how they justify their reactions and actions to their clients. Finally, we also examine the motivations and modes of operations of realtors that oppose discrimination, a perspective often neglected in discrimination research. For these purposes we performed a large number of mystery calls in the Capital Region of Brussels. About 400 real estate agents were contacted by a fictive owner that requested to let his/her property, but not to a “foreigner”. We conducted both quantitative and qualitative analyses of the reactions of the real estate agents on these mystery calls.

2. Explaining ethnic discrimination

The most popular explanations for ethnic discrimination on the housing market rely on economic labour market theories: “taste-based discrimination” (Becker 1971) and “statistical discrimination” (Arrow 1971; Phelps 1972). The theory of taste-based discrimination states that actors have certain ethnic preferences (“tastes” or “animus”) concerning the kind of clients they want to interact with. The taste-based discrimination

model has two versions, differing in the specific type of actor who has ethnic preferences: the agent or the customer.⁴

In the case of agent taste-based discrimination, real estate agents discriminate because of their own prejudiced attitudes about ethnic minorities (Yinger 1986). In this study this theoretical explanation implies that a real estate agent would utterly agree with the discriminatory request of the client. The realtor would clearly reveal his/her own distaste for a particular ethnic group when discussing the request with the client.

In contrast, customer taste-based discrimination refers to real estate agents who discriminate, not because of their own prejudices, but because of the (perceived) prejudices of their renters in a housing block or neighbourhood (Yinger 1986). They fear that these customers (the other renters) would exit if they rent their dwelling out to ethnic minorities, creating expensive turnover costs. Given this theoretical reasoning, real estate agents would agree with the discriminatory request of owners in this study by referring to the ethnic composition of the neighbourhood or to the prejudices of other tenants.

It is, however, notable that the customers in the taste-based model are interpreted as current or future tenants or neighbours, both in the original formulation of Becker (1986) and in more recent studies (such as Ondrich et al. 2003; Ahmed et al. 2010; Baldini and Federici 2011; Hanson and Hawley 2014; Auspurg et al. 2017). In-depth interviews with real estate agents reveal that they consider the owners as customers too (Loopmans et al., 2014; Van der Bracht, Verhaeghe and Van de Putte 2016). Following this interpretation, the customer taste-based theory would predict that real estate agents discriminate because of the prejudices of the owners. With respect to this study, this implies that realtors would agree with the discriminatory request of owners because they are the clients. For the sake of clarity, we call this new interpretation the “owner taste-

based discrimination” model, whereas the classic interpretation the “neighbour taste-based discrimination” model.

In the original formulation of the taste-based discrimination theory by Becker (1971), discrimination is called “economic irrational”, because one must pay some costs for this kind of discrimination (e.g. a landlord or realtor missing profit if they prefer to keep a dwelling unrented rather than renting it out to a person he does not like). We could, however, question this economic irrationality. In tight rental housing markets where it is difficult to find decent and affordable housing, it is doubtful whether a realtor would really miss profits because of ethnic discrimination. He would easily find other rental candidates. Moreover, in the owner taste-based discrimination model, ethnic discrimination by realtors could be considered as economic rational (though still morally undesirable), because they earn profit by agreeing with the discriminatory request of their customer – the owner.

The model of statistical discrimination argues that actors use the average (statistical) characteristics of ethnic groups to make decisions (e.g. concerning recruitment or renting), especially when detailed information about individuals is lacking, costly or impossible to acquire. In this context, economists consider discrimination as “economic rational”. In this study this theoretical model implies that a real estate agent would agree with the discriminatory request of the client by referring to socio-economic or demographic characteristics of ethnic groups, or at least to his perceptions of their characteristics.

Recent studies have attempted to empirically disentangle taste-based from statistical discrimination on the rental housing market by varying the degree of information about the candidates (Ahmed et al. 2010; Bosch et al. 2010; Baldini and Federici 2011; Ewens

et al. 2014; Hanson and Santas 2014; Auspurg et al. 2017) or comparing different market segments or types of neighbourhoods (Ondrich et al. 2003; Carlsson and Eriksson 2014; Ewens et al. 2014; Hanson and Hawley 2014; Auspurg et al. 2017). The results of these studies are mixed, partly due to their very different research designs, housing contexts and tested ethnicities. Moreover, Loopmans and his colleagues (2014) have revealed with in-depth interviews among landlords and brokers in Belgium both statistical and owner taste-based discourses. Yet the setting of an interview might withhold realtors to speak openly, and therefore not reveal agent taste-based discrimination or their reactions on discriminatory attitudes of property owners. Nevertheless, based on a meta-analysis of 71 field experiments, Auspurg and her colleagues (2018) state that a substantial part of the rental discrimination is statistical, but that it is difficult to draw far-reaching conclusions with the current stage of research. Moreover, they recommend to focus more explicitly on different market segments and to construct research designs that allows for a better understanding of the reasons underlying discrimination.

This study follows these recommendations and examines the justifications for ethnic discrimination on the market segment of real estate agents by means of mystery calling. The technique of mystery calling is rather new in ethnic discrimination research and consists of calling real estate agents as a fictitious (“mystery”) owner and posing a discriminatory question (Verhaeghe 2017). It measures directly in the field the overt and conscious intentions of realtors to discriminate and their justifications of doing it. Since both taste-based and statistical discrimination models consider ethnic discrimination as a conscious and intentional act, in which actors deliberately choose to disadvantage certain ethnic groups (Petersen 2008), mystery calling is a very suitable technique to examine the underlying strategies and justifications of realtors to discriminate against ethnic

minorities. Moreover, research has shown discriminatory techniques are spread throughout the entire rental procedure (Roscigno et al. 2009) and are ever evolving as landlords and realtors continuously refine their selection techniques (Verstraete and Moris 2018). In contrast to correspondence and audit studies which usually study only the initial moment of contact, mystery calling allows to shed light on how realtors plan to bring discrimination into practice in the entire rental procedure and on evolutions in selection techniques.

In Belgium, a recent study of Van den Broeck and Heylen (2015) used 300 mystery calls to examine the extent to which realtors agree to discriminate against “foreigners”. It appeared that 42% of the contacted agencies were willing to discriminate, 14% refused and 44% used other – more subtle – techniques to facilitate the question. In line with these scholars, we show how this willingness to discriminate is being translated into daily practices. Yet we further explore the advantages of mystery calls by including into our analyses the rationales of realtors to discriminate, as well as those who do not want to discriminate – a group often neglected in research. Doing so, we could nourish theoretical debates on how to explain discrimination. Moreover, revealing these rationales may enhance antidiscrimination policies aimed at real estate agents. As indeed, different motivations to discriminate require different policy responses.

Mystery calling breaks, however, with fundamental ethical principles in science, such as informed consent, voluntary participation and the absence of deception. This raises serious ethical concerns. In line with studies on the ethics of correspondence testing of discrimination (Banton 1997; Zschirnt 2019), we argue that these violations are justified for several reasons. Firstly, informing the involved agents or asking (post-hoc) consent would come along with serious problems of social desirability and selective attrition. Secondly, during our research we followed strict criteria in order to keep the

inconvenience to realtors as minimal as possible and to guarantee their confidentiality and privacy. As a result, this study has been approved by the ethics committee of the Faculty of the research leader.

3. Data and Methods

We collected data among 400 real estate agents in Brussels Capital Region in Belgium by means of mystery calling. Brussels is the capital of both Belgium and Europe and its population counted in 2015 circa 1,1 million official inhabitants, of which 70,4% is of non-Belgian origin, and more specifically 27,6% of European origin and 42,8% of non-European origin (Flemish Government 2016). The housing market of Brussels Capital Region is very tight with a much higher demand than supply of decent housing (Dessouroux, Bensliman, Bernard et al. 2016).

The profession of real estate agents on the rental market in Belgium covers three roles – which may be combined: broker-mediator, broker-syndic and broker-steward. Mystery calls respond to the role of broker-mediator, but as we will discuss further on, the role of broker-syndic is of importance as well to understand motivations for discrimination. As a broker-mediator, the realtor mediates in the rental procedure and organises the search for a new renter. The fees for this mediation must be paid by the property-owner and cannot be transferred to the (candidate-)renter. It is only when a rental candidate him/herself actively engages a realtor to find a residence that (s)he will bear the costs. As a broker-syndic, the realtor is in charge of administrative, financial and technical management of co-ownership (e.g. in apartment buildings).

In this study real estate agents were called by a fictitious (“mystery”) client that posed a discriminatory question. The client plays the role of a property owner who has to

move abroad for his/her work and who calls the realtor for more information about how the agency could rent his/her dwelling out. After a few standard questions about the rental procedure and fees, the client asks whether the realtor could not let the rental dwelling to “foreigners”. The client motivates this discriminatory request by telling that “friends had bad experiences in the past with foreigners”. In the case the real estate agent answered that (s)he would compose a list of candidate-renters (a frequent practice in Belgium, see Van den Broeck & Heylen 2015), out of which the client could choose, the client asked whether the realtor could compose a list with only natives. During and after the mystery call, the answers of the real estate agents to the discriminatory question were transcribed by the mystery callers as literally as possible.

We chose for this scenario of mystery calls for several reasons. Firstly, we used a scenario that was already used and tested in the study of Van den Broeck and Heylen (2015, p. 45), which enables us to compare our results with their findings. Secondly, we referred to the negative experiences of friends, which is in line with the notion of statistical discrimination. This gives the advantage that we could also examine how realtors react to this kind of arguments. For example, to which extent do they go along with this reasoning in their justification of discrimination? Lastly, we chose to use the general term of “foreigners” without further specifications of ethnic origin, religion or social class, because we wanted to investigate to which extent realtors spontaneously refer to these kinds of differentiations in their answers. Moreover, references to “foreigners” in general are quite common in Belgium. These choices suit the exploratory nature of this study to examine the possibilities of mystery calls as a new method to study discrimination. We are, however, aware that this scenario was not the only possible scenario and in the discussion we will suggest several methodological recommendations for further research.

The mystery calls were performed by seven mystery callers. To reduce potential differences between mystery callers and real estate agencies, we created a standardised script with instructions about the interaction with the realtor. This standardised script was rehearsed in pairs as with the researcher. Nevertheless, it could be that there remained verbal differences between the mystery callers, which could distort the realtors' answers on the mystery calls (in line with one of the so-called Heckman (1998) critiques on audit studies). These potential between-callers differences were neutralized as much as possible by randomly assigning the callers to realtors and the five subscripts (*see below*). Nevertheless, subsequent logistic regression analyses on the likelihood to agree to discriminate revealed that there remained small between-callers differences ($p=0.011$), even after controlling for the mystery calling subscript (detailed results available upon request).

Because previous research has shown that ethnic discrimination differs according to the ethnic composition of the neighbourhood (e.g. Carlsson and Eriksson 2015; Auspurg et al. 2017) and the price category of the rental dwelling (e.g. Ahmed and Hammarstedt 2008; Hanson and Hawley 2014; Van der Bracht et al. 2015), we constructed five mystery calling subscripts. As Brussels Capital Region is composed of 19 municipalities, the five scripts were about five different municipalities. Script 1 was about renting out an apartment with one bedroom with a rental price of € 650 per month in an ethnically diverse municipality (74% inhabitants of non-Belgian origin). The second script was about letting a house with four bedrooms with a monthly rent of € 1600 in an ethnically diverse municipality (78% inhabitants of non-Belgian origin). In script 3 the client asks to let an apartment with two bedrooms for € 750 per month in a relatively less diverse municipality (63% inhabitants of non-Belgian origin). Script 4 concerns a house with four bedrooms and a garden with a monthly rent of € 1700 in a relatively less diverse

municipality (41% inhabitants of non-Belgian origin). In script 5, finally, the client has an apartment with three bedrooms with a monthly rent of € 900 in an ethnically diverse neighbourhood (78% inhabitants of non-Belgian origin).

The research population consists of staff from the real estate agencies on the rental housing market in Brussels Capital Region in Belgium. A sample register of these agencies was created based on the main real estate websites in Brussels. Agencies with fewer than five rental vacancies during the last nine months were excluded from the register, as well as agencies without clear contact details. This procedure resulted in a register of 576 real estate agencies, of which we could successfully perform mystery calls among 400 real estate agents (69%). The main reasons for non-response were that the called real estate agencies were not active in a particular municipality in Brussels Capital Region or that they had too much work at the moment to accept new clients.

The answers of the real estate agents on the discriminatory requests were both quantitatively and qualitatively analysed. In the first stage we statistically described the realtors' answers by classifying them in five nominal categories. The category 'no discrimination' refers to the real estate agents who immediately declined to discriminate against ethnic minorities. The second category 'discrimination' contains all realtors who agreed to discriminate by refusing or discouraging ethnic minorities or by composing a list of rental candidates with only natives. The third category 'no answer' covers the realtors who stated that they do not want to discuss 'such matters' over the phone and, thus, invited the owner to the office, or answered that they must discuss these things first with the boss. The fourth category 'strict selection' contains the real estate agents who proposed to select tenants on other non-ethnic criteria (such as income level, language proficiency, perceived decency) which could, however, have an adverse impact on ethnic

minorities. The last category ‘listing’ refers to the realtors who proposed to compose a list of rental candidates from which the owner could subsequently select a suitable tenant. These realtors refused, however, to compose a list of only natives, but by composing a list they facilitate the probable discrimination by the owner in the latter phase of the rental process.

In a second stage, there was a qualitative analysis of our data. The original, non-classified transcripts of the mystery calls were analysed with the help of NVivo (analysis software) to discover patterns to either follow or counter discriminatory requests by owners as well as the rationales behind these strategies. Based on a first, open reading of the transcripts, a code tree was set up. Five parent nodes were chosen (1. going along discrimination / strategies; 2. going along discrimination / justifications; 3. refusing discrimination / alternative strategies of selection; 4. refusing discrimination / motivation; 5. hierarchy in migrants) and attributed a few child nodes. Throughout the coding process, the child nodes were altered and refined to best capture the content of the mystery calls.

4. Quantitative results

Table 1 shows the results of bivariate analyses of the mystery calls. It appears that 14% of the real estate agents immediately refused to discriminate against ethnic minorities and 32% agreed to discriminate upon request of the owner. Approximately 22% of the realtors proposed a very strict selection of tenants on non-ethnic criteria and 28% suggested to compose a list of rental candidates from which the owner could subsequently select a suitable tenant. A small group of realtors (5%) did not want to discuss the discriminatory question over the phone and invited the owner to the office or answered that they must discuss these things first with the boss. When we compare these results to the findings from the mystery calls performed by Van den Broeck and Heylen (2015) in Belgium

during 2013-2014, it appears that there is not much improvement.⁵ The percentage of direct refusals remains stable (14%), whereas the percentages of agreeing directly (42% versus 32%) and composing lists of rental candidates (34% versus 28%) are a bit lower. It seems that realtors in our study propose more to apply a strict selection on non-ethnic criteria (5% versus 22%).

Table 1 about here

There is some variation between the five scripts in the share of real estate agents who agreed with the discriminatory request. Binary logistic regression analyses in which all scripts are tested against each other (with changing reference categories) show that realtors are only significantly more willing to discriminate in script 4 (43%) compared with script 3 (24%, $p=0.007$) and script 5 (24%, $p=0.029$) (see table 2).. There are no other significant differences between the scripts.

Table 2 about here

5. Qualitative results

Strategies to bring ethnic discrimination into practice

The above numbers show that a share of real estate brokers agreed to repulse undesired profiles from vacant rental dwellings. They have little shame in openly conceding the discriminative request of owners and discuss a few exclusionary techniques that will be applied. First, some brokers put of rental candidates with tricks or excuses such as “the apartment is already taken by someone else”, others do not give an explanation at all to

declined candidates. These brokers wish to exclude specific profiles in a disguised way, so the rental candidate does not know or cannot prove (s)he is being discriminated.

If I hear on the phone that it's someone with an accent, I can say somebody else has already taken an option on the apartment. I know it's discriminatory, but I am obliged to serve the desires of my clients⁶. (MC 638, script 5)

If it is a "no", I come up with something, why it's not possible. I have already refused candidates several times and I invent some tricks. (MC 100, script 2)

Second, a few real estate agents do not directly exclude ethnic minorities but install barriers to make it more of a hassle to apply for housing. They require ethnic minorities to provide more information on their financial and family situation compared to other candidates. Previous research, relying on in-depth interviews with brokers and private landlords, has shown this technique is used not only to compare candidates' profiles and (financial) trustworthiness, but also to discourage unwanted profiles to apply (Loopmans et al. 2014, 197).

We cannot exclude, but we can ask some for more documents than others, like an ID-card, pay slips, employment contract, family composition. (MC 328, script 4)

Third, brokers hand over a filtered list of rental candidates – i.e. one that only includes natives – to the owner. The latter is then sure the renter (s)he chooses from the list will match his/her exclusionary preference.

Of course, no problem. It is up to you to define a selection criterion, if you don't want Arabs or Blacks, we create a list accordingly. (MC 4, script 1)

A second group of real estate agents will not straightforwardly discriminate upon request of the owner. They are more careful. While they are willing to obtain the same outcome

– excluding ethnic minorities to meet their clients’ wishes – they facilitate discrimination in other ways. Brokers explicitly state they cannot discriminate candidates themselves but explain how the owner can reach this goal anyway. Brokers emphasize that after their professional selection based on legally allowed criteria, the owner can nonetheless choose from all candidates according to his/her preferences. By detaching their own deeds from owners’ action, realtors want to make sure they do not make any mistakes, yet consciously collaborate to discriminate against certain profiles:

Yes, it is possible because the decision is up to you. But I cannot discriminate, so I answer to every candidate and I organize viewings for every candidate, I cannot discriminate. (MC 43, script 1)

There is legislation, a law to which we must pay attention. We organize viewing for everyone, but in the end, it is you who decides. (MC 274, script 4)

When explaining their legally allowed selection process that precedes listing all candidates, some real estate agents mention they will make a copy of candidates’ ID-card and include it in each file. Again, we see a disconnection between the broker’s own actions and the discriminatory act itself by the private owner. Without excluding ethnic minority candidates or treating them unequally themselves, brokers implicitly facilitate discrimination by communicating background information to the owner. Two brokers explicitly state this is a way to reveal a candidate’s ethnicity and, therefore, information the owner can use to exclude specific ethnicities.

In theory, the law forbids all discrimination. But the owner remains the one to choose a renter. A list of candidate-renters will be given with a file of each one including a copy of the ID-card, which allows you to see the background of the mentioned candidate-renter. (MC 14, script 1)

Yes, there is no problem. We cannot discriminate, but we can arrange it. If you tell me which nationalities you don't want, we will make copies of ID-cards. In any case, it is the owner who makes the final call. (MC 79, script 2)

The awareness of legal and deontological regulations does not only make some brokers willing to rather facilitate than carrying out discrimination, it also influences the timing discrimination occurs in the rental procedure. Many brokers explain they must allow all rental candidates to visit the vacant dwelling and that selection and discrimination can only take place afterwards, either by the broker or the owner.

We don't refuse anyone. The most important is someone pays rent correctly each month. The viewing is for everyone, but in the end, it is up to you to decide which candidacy suits you most and with who you feel most at ease. (MC 94, script 2)

A third group of real estate agents suggests dividing foreigners in *bad* and *good* ones, based on the socioeconomic profile of the foreigners. In this strategy, not all foreigners have to be avoided, which makes it easier for realtors to find a tenant. Some agents even promote their well-off international clientele and show little enthusiasm to discriminate against these rental candidates but are willing to exclude migrants that are portrayed as less attractive. Some, moreover, argue there will be no need to act discriminatory, as the rent price combined with the location, will do the job because undesired "migrants" will not be able to pay that price.

There are several types. With the European Commission, there are very good profiles, diplomats. We have certain rules: we cannot refuse someone based on skin color and nationality. We call the rental candidates, ask them for pay slips and make sure they are solvent. (MC 221, script 3)

Justifications for their discriminatory intentions

When asked to repulse ethnic minority tenants, real estate agents willing to act accordingly do not only explain their mode of operation to owners. They also formulate a reasoning why this approach is, according to them, justifiable. Even when they explicitly mention discrimination is illegal, they have their ways to explain away discriminatory deeds.

A first group of brokers reveal a reasoning of statistical discrimination, which is in line with the underlying motivation of the mystery caller (see discussion in the methodology and discussion). Above we have seen that some real estate agents classify rental candidates in “good” and “bad” ones. This ethnic hierarchy is primarily linked to their – presupposed – socio-economic situation. In their discourse, brokers mostly talk about “expats” and “the European Commission” or “employed in multinationals” as signals of a solvent renter. These solvent profiles are contrasted to “immigrants” and foreigners depending on social welfare (in Belgium called ‘CPAS’)⁷.

Yes of course we choose a profile according to your demands. And if you want real Belgians, there will be real Belgians. But you have to make a distinction between immigrants and expats who come here and work for big companies (...). They can afford to pay such a rent price, because Belgians prefer to buy at that point. (...)

We don't accept people of the CPAS or immigrants of whom we don't know where they come from. (MC 284, script 4)

In general, migrants from the Global North are presented as interesting profiles in contrast to migrants from economical less prosperous regions. Even though the mystery caller does not mention a specific ethnic category to be avoided as a renter, brokers link specific backgrounds to solvent versus unattractive migrants. They talk mainly about

Spaniards, Frenchmen, Englishmen, Americans and Japanese versus Arabs and Sub-Saharan Africans respectively. Again, the distinction mostly goes back to a presupposed solvency of the former group versus a financially unstable situation of the latter. Yet in a few cases, stereotypes and prejudices of an inappropriate living culture or disrespect for material are at stake, as shown in the citation below.

We work on the relocation of expats and persons of the European Commission a lot. We discourage people from Burundi, who could set fire with the doors etc.
(MC 136, script 2)

Despite the specific angle in the discriminatory request, the mystery calls show several justifications which do not only refer to statistical discrimination. Most heard from both realtors who are actively involved in discrimination (first group of strategies) and those who rather facilitates discrimination by the owner (second group of strategies), is the reasoning that the final choice in favour or against a particular tenant is with the owner. These realtors typically portray this choice as the final – and legitimate – stage of the general selection procedure. Yet some realtors more strongly underscore a right of the owner to (not) select a particular rental candidate since it concerns his or her property:

We cannot refuse candidates to visit an apartment, it has become very strict. We make a selection and propose the candidates to you. And it is up to you to decide to take this one or that one. You still have the right to say no because it is still your apartment. (MC 39, script 1)

Of course, we hand you over all candidacies and it is you who makes the decision because you are the owner, that's normal. (MC 615, script 5)

As the quotations above illustrate, realtors do not seem to be concerned whether this choice is based on presumptions about solvency or an extrapolation of negative

experiences on the one hand, or on personal preferences on the other. Therefore, it is hard to classify this justification within the statistical or taste-based discrimination model. Yet some agents talk about not being obliged to release the ground of refusal, not being able to push owners into accepting a profile, and only checking a candidate's solvency if (s)he is in line with the owners wishes.

Yet of course, we aren't obliged to say why a refusal takes place, as it's you who chooses. (MC 49, script 1)

I do this [job] for 15 years, and I'm very helpful. But the first rule is paying one's rent (...). To find candidates we ask wage slips. (...) We have attention for the basics; I ask how many kids, pets. (...) I check the revenues are at least 2 times the rent. (...) We don't impose anything, we follow the choice of the owner. We adapt to the wishes of the owners. (MC 163, script 2)

Of course, but we can't write 'forbidden for foreigners' in the advertisements. But I always give a questionnaire to candidates. Because of deontology, I can't refuse, but if candidates aren't suitable I'll tell them there are others that are more convenient, or that their income isn't sufficient. If the file doesn't suit you, I won't even look at it. (MC 184, script 3)

These statements indicate that brokers allow owners to refuse rental candidates based on non-relevant criteria but personal preferences instead. Hence, we can say owner taste-based discrimination is at stake as well.

Moreover, the owner taste-based discrimination explanation is further confirmed by realtors who frame the request to discriminate as a recurring question that is inherent to the rental procedure. In this way, brokers do not only agree to discriminate, but also tend to normalize it and reassure possible inconveniences of owners.

Yes of course it is possible. We work according to what you are looking for, and you are not the first to ask it. (MC 153, script 2)

Officially we cannot do it, but off the record everybody does it, I understand very well. (MC 242, script 3)

Although taste-based discrimination was originally formulated as something “economic irrational” (Becker 1971), the mystery calls reveal that some realtors justify owner taste-based discrimination by its “economic rationality”.

First, a minority declares it is in the interest of the real estate agent him/herself to fulfil the discriminatory request. This self-interest comes in several ways: it is a way to keep/build a good reputation as a reliable agent; an agent will only receive his/her commission when a renter is found and accepted by the owner; in case the broker will also be in charge of further rental management as a broker-syndic (checking rent payments, maintenance, ...) a good tenant means less problems hence less work for the broker later on.

Second, a limited number of agents has incorporated discrimination in their daily practices and considers complying to owners’ wishes as part of their job as a broker-mediator. As the following brokers explain, it is the *owner* who is the client, not the renter:

Yes, it is possible, knowing that the final choice is up to you, because you are the one who pays me. (MC 29, script 1)

I know it is discriminatory, but I am obliged to follow the wishes of my clients.
(MC 638, script 5)

Nevertheless, it is hard to determine whether the justifications of realtors reflect their personal opinion and approval of discrimination (agent taste-based discrimination) or whether these are reflections of a commercial logic in which real estate agents appease

owners to bring in a new client (owner taste-based discrimination). Either way, the various kinds of reasoning all make a discriminatory request acceptable and mitigate possible feelings of discomfort among owners.

Strategies and justifications for opposing ethnic discrimination

From table 1 we could see that not all real estate agents agree with the discriminatory request of the owner. A popular strategy to oppose ethnic discrimination was to reassure owners that a good renter could be found by means of relevant non-ethnic criteria. The primary criterion mentioned by almost all brokers is the solvency of tenants, in other words their financial capacities to pay rent and maintain the dwelling. Real estate agents mostly require pay slips as a proof of sufficient income⁸. In addition, they also frequently ask documents about their rental history and reliability, such as proofs of paying rent and energy bills, and a motivation for their moving. Some brokers go a step further and contact current or previous landlords and/or employers to check whether the information provided by the candidate (on employment status, income, rent history) is correct.

Most real estate agents counter discriminatory requests with the argument that discrimination is illegal and against their professional deontology. They explain ethnicity is not a legal selection criterion, unlike a candidate's solvency and the ratio between the number of family members and the dwelling size. A few brokers link their refusal to discriminate to the possibility of complaints and controls if they neglect the legal and deontological regulations.

While legislation and deontology are mostly mentioned as a given, as a contextual factor that must be respected, a small minority of realtors expresses its personal support for these instructions. For these brokers, personal objections against ethnic discrimination

are as important as legal and deontological regulations. They repulse ethnic discrimination not only to follow the rules, but (also) based on moral grounds. They proclaim equality among all rental candidates, argue not to tolerate racism and refer to the right to housing for all. This justification goes against the taste-based discriminatory reasoning of their clients.

We work based on what the owner wants, but for foreigners we are opposed, otherwise we risk serious fines and other difficulties. For us, this is excluded, it is not our policy. We are all foreigners and I think it is sad to think in terms of skin color in 2017. (MC 71, script 1).

We cannot discriminate because of our deontology. Whether it concerns origin or sexual orientation of a rental candidate, we treat everyone the same way. I want to stress that's very important for us. (MC 321, script 4)

Furthermore, several agents argue ethnicity is not a relevant selection criterion based on their own experiences in the past, or those of other clients. They reason 'Belgian renters' cause troubles as well, claim ethnic cultural minorities to be more reliable as renters or argue good and bad individuals are found in each group. In these cases, realtors go against statistical discrimination. They take on an expert-role and rely on their own 'statistics' to counter the rationale that feeds the discriminatory request of the owner.

We thus see real estate brokers raise a few arguments when trying to convince their clients to not pursue ethnic discrimination. Importantly, however, part of these brokers points to the owner's possibility to choose a renter of preference at the end of the selection procedure, after their reasoning against discrimination:

It is not a matter of country of origin, we do not base our selection on the country of origin. You have to respect the law. But it is you who decides. We try to make a selection on other criteria. (MC 157, script 2)

Again, we see a disconnection between the deeds of the broker wishing to act according to the book on the one hand, and the explained possibilities to exclude specific profiles for owners on the other. We assume the market competition kicks in at this point. Realtors seem to navigate between an attempt to operate as they should according to the law and professional guidelines, and economic goals and the need to satisfy potential clients. While they go against discriminatory request, most do not want to be too firm to not deter possible clients.

6. Conclusion and discussion

The persistence of ethnic discrimination on the private rental market has been convincingly shown by a large body of research (Auspurg et al. 2018; Flage 2018). Real estate agents hold a unique position within this process of discrimination. They are the intermediate link between owners with specific desires regarding the profile of their future tenants on the one hand, and rental (minority) candidates on the other. Moreover, they are not only bound by general antidiscrimination laws, but are instructed by specific professional obligations and deontological codes. In this study, we have shed light on how realtors deal with discriminatory request by owners. By means of mystery calls among 400 real estate agents in the Brussels Capital Region in Belgium, we examined which strategies realtors follow and which justifications they make to comply or oppose to the discriminatory requests of the owners.

An important share of realtors is willing to act discriminatory upon request of the owner. They develop a few strategies to bring discriminatory preferences into practice, ranging from straightforward exclusion and discouraging ethnic minorities to facilitating ethnic discrimination by composing lists of rental candidates from which the owner could choose afterwards. In these strategies, the responsibility for the discriminatory act is to a varying degree with the agents or transmitted to the owner.

The mystery calls showed the importance of both taste-based and statistical discrimination models to justify ethnic discrimination. Whereas the quantitative analyses of the mystery calls showed some variance in discriminatory intentions according to the demographic composition of the neighborhood, which is in line with the neighbor taste-based discrimination model, the qualitative analyses revealed justifications which confirm the owner taste-based discrimination reasoning as well. Moreover, the realtors underscored the “economic rationality” of the owner taste-based discrimination model. Representatives of real estate agents have indeed stressed before during in-depth interviews that agent taste-based discrimination is rare and that discrimination by realtors follows the economic logic of service to the client, i.e. the property owner (see Van der Bracht et al. 2015; Verstraete et al. 2017). In addition to taste-based discrimination, realtors also referred to the ideas of statistical discrimination by making distinctions between “good” and “bad” ethnic minority groups. This ethnic hierarchy is based on realtors’ perceptions of or experiences with the socio-economic positions of these ethnic groups. These varying rationales have in common their tendency to normalize discrimination as “part of the game” and to ease potential discomfort of clients.

Yet not all brokers are willing to discriminate against ethnic minorities. They try to convince their clients to rely on their professional, legally allowed selection strategies. Their opposition to discrimination is based on the legal context, their personal opinions

and rental experiences. Importantly, however, not all agents are as firm in their resistance. In pointing out to their clients the possibility to choose a preferred renter at the end of the selection procedure, an important share of these actors implicitly lay out an “escape route”. This stresses the importance to keep in mind the market context in which realtors operate and their commercial goals of collecting rental commissions.

Including the rationales of realtors into our analysis proves the necessity of antidiscrimination policies with both supportive measures as well as firm reactions towards realtors. The former stems from our finding that brokers willing to contest discriminatory requests are regularly unable to take a strong stand. In a context of market competition, owners can easily turn to another broker. We hence detect a need to empower real estate agents to more strongly oppose discrimination and to convince owners of professional selection procedures, without (the fear of) experiencing competitive disadvantages. However, other realtors are rather eager to go along discriminatory requests and even present it as economically advantageous. To interfere in this logic, the (figurative) costs of discrimination have to be increased by firm measures. In addition, antidiscrimination policies should address owners as well, as they are the ones initiating discriminatory practices.

We wish to conclude with some considerations for future research. First of all, we see two routes to further disentangle “agent taste-based” from “owner taste-based” discrimination. First, we recommend to mystery call the same real estate agents with a script in which the profile of potential tenants is discussed, without the explicit request to exclude foreigners and see whether suggestions for discriminatory practices come up as well. Spontaneous suggestions for discriminatory practices, would indicate “agent taste-based” discrimination.

Second, mystery calls could also specify the type of ‘foreigners’ property-owners do not want to have as renters, for example, based on ethnic origin, family composition or social class. This would allow scholars to make intersectional analyses of the discriminatory practices of realtors and their justifications.

Thirdly, even after extensive training the standardized scripts, there remained small between-caller effects in our findings. Future research should look for ways to reduce this bias as much as possible. Moreover, we advise to literally transcribe the full conversation. Due to practical reasons in our study, the reactions by realtors were transcribed as literally as possible yet in a predefined schedule based on the main questions (see data and methods). Full transcripts would also include interaction between the caller and called one, pauses in the conversation, intonations and so on. These additional elements might learn us more about, for instance, the between-caller effects and the eagerness versus carefulness of realtors when accepting a discriminatory request.

Another suggestion is to vary the motivation of the mystery caller for the discriminatory request. In this study, the fictitious owner motivates the request with the argument “friends had bad experiences in the past with foreigners”. This could be considered as a motivation based on statistical discrimination. Future research could experiment with other motivations, for example based on owner taste-based discrimination (e.g. “I really don’t like foreigners.”).

We see an interesting path for future research in studying the influence of the knowledge of rental actors about antidiscrimination law on their selection strategies. Audit and correspondence studies in Belgium have shown that brokers discriminate to a lesser degree compared to private landlords (Heylen and Van den Broeck 2016; Van der Bracht et al. 2016). Our research puts these findings into new perspective and raises

questions whether (ethnic) discrimination by brokers is indeed less common or whether these actors do discriminate later on in the rental procedure or in a more subtle way?

Finally, our research was explorative and focuses on revealing general patterns in the strategies and rationales of realtors in reaction to discriminatory request by owners. The group of realtors is, however, a very diverse one and we suggest digging deeper into this variety to discover whether features, such as gender, company size or age, have an influence on the strategies and justifications.

¹ In this study we refer to ‘private landlords’ as non-professional actors who directly let their property to tenants without the professional mediation of a real estate agent. We refer to ‘real estate agents’ or ‘real estate agencies’ as the professional actors (mostly companies) who let rental dwellings on the demand of property owners. Lastly, we use ‘owners’ to denote the property owners who want their dwelling being let by a real estate agent.

² In 2005, 28.5% of all private rental dwellings in Flanders were let after the interference of a real estate agency. In 2013, this share had risen to 37.5% (own calculations based and Heylen, 2015). Moreover, in Brussels Capital Region – the area covered in this study – around 90% of the online rental market consists of realtors (own calculations based on the very popular immosite Immoweb.be).

³ The study of Van den Broeck and Heylen (2015) was part of a larger research project on discrimination in Belgium that applied a variety of methods (‘Diversity Barometer’, see Loopmans et al., 2014). In their article, Van den Broeck and Heylen pursue a deeper analysis of situational tests and mystery calls executed within this bigger project.

⁴ In the housing discrimination literature, there is some disagreement about the theoretical perspective of customer taste-based discrimination. Whereas some scholars consider this as a form of taste-based discrimination (e.g. Ahmed et al. 2010; Baldini and Federici 2011; Auspurg et al. 2017), others interpret it as a form of statistical discrimination because it is more economic rational (e.g. Hanson and Hawley 2014).

⁵ Since Van den Broeck and Heylen (2015) covered whole Belgium with 300 mystery calls and this study covers Brussels Capital Region with 400 mystery calls, we must be careful with drawing far-reaching conclusions from this comparison.

⁶ All quotes have been translated from French by the authors, keeping its content as close as possible to the original state.

⁷ CPAS, Centre Public d'Action Social, is a public welfare centre installed in each Belgian community. It provides allowances.

⁸ Landlords and realtors are allowed to check a candidate's solvency, which means they can verify whether a candidate can maintain the dwelling (*level* of income). They cannot, however, differentiate among renters based on the *source* of income.

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Table 1. Descriptive results of the mystery calls

	No discrimination		Discrimination		No answer		Strict selection		Listing	
	N	%	N	%	N	%	N	%	N	%
Script 1. Dwelling of € 650 and 74% inhabitants of non-Belgian origin in the neighbourhood	7	10%	25	35%	3	4%	19	27%	17	24%
Script 2. Dwelling of € 1600 and 78% inhabitants of non-Belgian origin in the neighbourhood	12	13%	30	33%	6	7%	19	21%	25	27%
Script 3. Dwelling of € 750 and 63% inhabitants of non-Belgian origin in the neighbourhood	18	19%	22	24%	5	5%	15	16%	33	35%
Script 4. Dwelling of € 1700 and 41% inhabitants of non-Belgian origin in the neighbourhood	11	12%	40	43%	4	4%	19	20%	20	21%
Script 5. Dwelling of € 900 and 78% inhabitants of non-Belgian origin in the neighbourhood	6	12%	12	24%	1	2%	15	30%	16	32%
Total	54	14%	129	32%	19	5%	87	22%	111	28%

Table 2. Binary logistic regression analyses of the odds to agree with the discriminatory request (N=400)

	<i>B (p-value)</i>	<i>B (p-value)</i>	<i>B (p-value)</i>	<i>B (p-value)</i>	<i>B (p-value)</i>
Script 1. 35% discrimination	ref. cat.	0.116 (p=0.728)	0.562 (p=0.107)	-0.310 (p=0.340)	0.543 (p=0.190)
Script 2. 33% discrimination	-0.116 (p=0.728)	ref. cat.	0.446 (p=0.177)	-0.426 (p=0.163)	0.427 (p=0.285)
Script 3. 24% discrimination	-0.562 (p=0.107)	-0.446 (p=0.177)	ref. cat.	-0.872 (p=0.007)	-0.019 (p=0.963)
Script 4. 43% discrimination	0.310 (p=0.340)	0.426 (p=0.163)	0.872 (p=0.007)	ref. cat.	0.853 (p=0.029)
Script 5. 24% discrimination	-0.543 (p=0.190)	-0.427 (p=0.285)	0.019 (p=0.963)	-0.853 (p=0.029)	ref. cat.
Constant	-0.610 (p=0.014)	-0.726 (p=0.001)	-1.172 (p=0.000)	-0.300 (p=0.150)	-1.153 (p=0.000)

ref. cat. = Reference category. Between the five models the reference category is each time different in order to compare all scripts against each other.