

Know Your Fair Housing Rights!

When is a rental policy discriminatory?

A landlord violates **fair housing laws** if a **rental policy disproportionately or unfairly impacts you because of a protected characteristic** (race, color, national origin, sex, sexual orientation, source of income, gender identity, religion, disability, family status, age, military status, partnership status, alienage/citizenship status, or lawful occupation).

As a tenant, you may feel that your landlord is being unfair in his or her treatment of you. Not all unfair rental policies or treatment is a fair housing violation. In fact, **a treatment that feels unfair may be a rental policy** that affects all tenants equally and thus does not violate fair housing laws. **However**, a rental policy that is applied to everyone equally, but **affects you negatively because of a protected characteristic, may violate fair housing laws.**

This May Not Be Discrimination:

A tenant receives a “notice to pay rent” from his landlord when his rent is one day late.

Reason: If the landlord issues this notice to every tenant when the rent is one day late, this is not discrimination.

A person who receives public assistance is denied housing because she was evicted from her previous residence.

Reason: As long as a landlord considers the tenant history of all applicants, including this information, they may use it as a factor in screening applicants.

A family of 5 is not allowed to rent a one-bedroom apartment.

Reason: If a family’s tenancy would violate reasonable occupancy limits under the law, this is likely not discrimination.

It can be difficult to know whether you are being discriminated against or not. If you suspect that you are, it is important that you contact a fair housing agency. A fair housing expert can help to figure out if a landlord’s behavior violates fair housing laws.

This Is Discrimination:

1. A Latino tenant is refused repairs in his apartment, while white tenants receive repairs.
2. A landlord does not recognize succession rights of a Polish-speaking family, while the succession rights of English-speakers are honored.
3. Heat and hot water are inconsistent in apartments rented by Latinos; white tenants are not affected by non-functioning heat because they have a separate boiler or heating system.
4. A landlord asks for a greater security deposit from a family of 4 than from a single person.
5. A Section 8 voucher holder is issued an eviction notice for paying rent late while a tenant who does not have public assistance is not issued this notice when paying rent late.

A tenant with a disability is asked by the landlord to remove her service dog because it bit a resident.

Reason: Landlords may legally exclude service animals if they pose a direct threat to the health and safety of others.

A landlord asks for an applicant’s credit history, but the tenant doesn’t have credit history in the U.S.

Reason: A landlord has the right to request a credit check if he does so for every applicant.

However, if an applicant is denied housing solely because of a lack of credit history, this may violate fair housing laws if the applicant can prove that he or she lacks credit history because of a protected characteristic.



Brooklyn Legal Services Corporation A
260 Broadway, suite 2 Brooklyn NY 11211
phone: 718/487-2300 or 1-800-696-6778
fax: 718/782-6790
www.bka.org