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 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.

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.

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.

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.