

# 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.*



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