

“LEGAL” vs. “ILLEGAL” DISCRIMINATION

FAIR HOUSING HIGHLIGHT #14

I applied for an apartment and was told that I didn’t qualify because my income wasn’t high enough. I don’t think the landlord was acting fairly. Isn’t that discrimination?”

That depends. A big part of the answer would be whether the landlord was using the same standard for everyone – or just some criteria that it is not allowed under the Fair Housing Laws But there are some choices a landlord *can make* –a sort of “legal” discrimination.

But isn’t it always illegal to discriminate? What do you mean by “legal discrimination”?

Legal discrimination simply refers to a housing provider’s rights under Landlord–Tenant Law to make discretionary decisions about whether or not to provide housing based on certain considerations such as income, credit report, criminal record, rental history etc. However, they must apply the same criteria to everyone i.e. if one applicant’s credit report is checked then *every* applicant’s credit report must be checked. Also, sometimes a landlord can make decisions based on purely subjective reasons such as a person’s marital status, sexual orientation, or source of income i.e. receipt of a section 8 voucher. Unfortunately, these last criteria are not protected under the Federal or State Fair Housing Laws at this time. People with disabilities also have special provisions under the Law which may require landlords to accommodate or change the policies or procedures that they normally use in tenant selection.

What is “illegal discrimination”?

Illegal discrimination refers to a specific type of discrimination outlawed by the FAIR HOUSING ACT and other federal and state laws which forbids discrimination based on a person’s race, color, religion, gender, physical or mental disability, or familial status. These are known as the “protected classes” under the Fair Housing Act. It means that a landlord cannot refuse to rent to you, or charge you more money, or set different conditions BECAUSE of your race, religion, disability, children living with you etc. This is considered “*illegal*” discrimination under the law.

You mentioned the Landlord Tenant Laws and the Fair Housing Laws – what’s the difference?

The Pennsylvania Landlord-Tenant Law covers the general rights and responsibilities of landlords and tenants- i.e. issues dealing with leases, repairs, security deposits, eviction procedures etc Everyone is bound under the terms of their individual lease and the requirements of the Landlord Tenant Law as well as the laws of the municipality where they live. The Fair Housing Laws are civil rights laws which simply state that a housing provider cannot deny housing or make different conditions just because of some protected characteristic–like being white or black or Hispanic or disabled or having kids.

What if I don’t know whether it’s illegal discrimination or not?

**Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215 576-7711
or visit us online at www.fairhousingrights.org.**