



The Fight Against Familial Status Discrimination: Families Need a Place to Live Too!

FAIR HOUSING HIGHLIGHT #17

What exactly is ‘familial status’ discrimination? Is it about unmarried couples living together?

“Familial status” discrimination has nothing to do with unmarried couples – it refers to a group of people protected by the Fair Housing Act. The law states that a housing provider **MAY NOT** discriminate against families with children under age 18 in the household. This means for example, that a landlord cannot 1) refuse to rent; or 2) set different terms or conditions because of the presence of children. And no matter what the “reason” is - it’s **ILLEGAL!**

But can a landlord charge more money because of kids? I once had landlord who charged me double the security deposit because he said that children cause more “wear and tear” on his property. He also said that my son and daughter (age 8 & 9) were required by law to each have their own bedroom. I ended up paying for a 3 bedroom unit and paid twice as much security deposit. I almost didn’t have enough left to buy groceries....

A landlord may not charge more just because of the presence of kids in the home i.e. including more security deposit because he *assumes* that your children will damage the property. AND the landlord may not tell you, the parent, what the sleeping arrangements should be. If you decide that your son and daughter can share a bedroom, that’s **YOUR** decision, not the landlord’s. Illegal requirements like “children of opposite sex must have separate bedrooms” just increase the difficulty of finding affordable housing in an already-high-priced rental market. Since the price differential between 2 and 3 bedrooms is upwards of \$150 per month, the increased burden is substantial—and a totally unnecessary expense.

I didn’t know there were such strict laws to protect families with children from housing discrimination. Are there other practices affecting families that are illegal under the Fair Housing Act?

YES. Here are some other common practices that are also violations of fair housing laws:

- Advertising a subtle “No Children” policy with phrases which indicate a preference for adults, such as “adult atmosphere”, “singles”, or “mature couples wanted.”
- Discouraging families with kids from applying to a unit or steering them to certain areas in a complex or in a neighborhood. Requiring families to live in specific unit, building, or floor of a building;
- Refusing to rent based on perceived risks and dangers of the property (such as lead paint, steep steps, located near train tracks); Saying that a unit or building “is not safe” for kids -but is for adults.
- Inquiring about pregnancy; or childcare arrangements;
- Inquiring about the ages of the occupants and/or how many will be children.

How often does discrimination against families occur? How many people know about these laws?

19% of the complaints received by FHRC were based upon familial status discrimination. This means that in Montgomery County, discrimination against families with children is the 2nd most common form of housing discrimination—exceeding even racial discrimination—(still the #1 form of discrimination nationwide) And according to a recent study by the Urban Institute, only about 38% of people know that it is illegal to treat households with kids differently from households without kids. So it’s time to get the word out: familial status discrimination is against the law. Let’s stop it NOW!

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