

# HOUSING RIGHTS, INC.

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## WHAT EVERY LANDLORD SHOULD KNOW...FAIR HOUSING IS GOOD BUSINESS!

As a property owner you should be concerned that tenants will pay rent on time, will take care of the property, and will not disturb other tenants. "Fair Housing" is a body of federal, state and local laws that protect people against illegal housing discrimination. Any person involved in a housing transaction is responsible to follow and uphold fair housing laws. This includes property owners, on-site managers, rental agents, mortgage lenders, real estate brokers and agents and appraisers.

Illegal housing discrimination is when one person is treated differently than another person because of such personal characteristics as race, religion, sexual orientation, presence of children in the family or because a member of the household has a disability. Sometimes illegal discrimination is blatant and intentional, other times it is not obvious but is just as harmful when a seemingly neutral rule keeps people out because of their race, religion, etc. Another form of discrimination is when a housing provider refuses to change their policies, practices or procedures for people with disabilities.

## COMMONLY ASKED QUESTIONS AND ANSWERS

**H**OW SELECTIVE MAY I BE OF MY TENANTS? You can be very selective so long as you use the same set of standards or requirements for all prospective tenants. These standards cannot be based upon race, color, religion, gender, national origin, family status (children), marital status, disability, age, sexual orientation, source of income or other arbitrary reason.

**W**HAT IS ARBITRARY DISCRIMINATION? The Unruh Civil Rights Act in California prohibits discrimination based upon specific categories, but also prohibits you from discrimination against individuals for reasons having nothing to do with his/her being a good tenant.

**D**O I HAVE TO ACCEPT PEOPLE ON WELFARE, SOCIAL SECURITY OR DISABILITY? Yes. If their income is sufficient to meet your income requirements. State laws have determined that discrimination based on source of income to be illegal.

**I**VE HAD BAD LUCK WITH SOME ETHNIC GROUPS, SINGLES AND YOUNGER PEOPLE IN THE PAST. DO I HAVE TO RENT TO THEM AGAIN? Yes. Stereotyping can be both dangerous, unfair and illegal. Each prospective tenant must be judged on his/her own merit. You cannot decide not to rent to a whole group of people because of previous experience with some individuals.

**I**T OFFENDS ME WHEN UNMARRIED PEOPLE LIVE TOGETHER. DO I HAVE TO RENT TO THEM? Yes. California Fair Housing Law makes it illegal to discriminate on the basis of marital status.

**I**F I RENT TO UNMARRIED PEOPLE, I WANT TO BE SURE THAT EACH ONE CAN PAY THE RENT, IN CASE ONE OF THEM MOVES OUT. CAN I WAIVE THIS REQUIREMENT FOR MARRIED COUPLES? No. The same requirements must be met by either married or unmarried people.

**T**HERE ARE SO MANY AMERICANS LOOKING FOR HOUSING. DO I HAVE TO RENT TO FOREIGNERS? Yes. The law does not allow you to discriminate based on a prospective tenant's national origin.

**I**DON'T ALLOW PETS. MUST I RENT TO A BLIND PERSON WITH A SEEING EYE DOG? Yes. State and federal laws prohibit discrimination based on disability. A person with a vision or hearing impairment, or a mental illness cannot be denied housing because of a needed animal. In this case the animal is not considered a pet, but rather a service animal.

**O**UR APARTMENT WAS NOT BUILT TO ACCOMMODATE WHEELCHAIRS. MUST I RENT TO PEOPLE IN WHEELCHAIRS AND ALLOW FOR MODIFICATION OF THE PREMISES? Yes. It is illegal to deny a rental to someone because of a disability, and you must allow reasonable modifications of the unit. Cost of the modifications and restoration (if warranted) are usually the tenant's responsibility.

**C**AN I REFUSE TO RENT TO PEOPLE WITH MENTAL DISABILITIES IF THEY MAKE ME UNCOMFORTABLE? No. Prohibition against discrimination on the basis of disability includes "mental disabilities".

**C**AN I LIMIT THE NUMBER OF PEOPLE WHO LIVE IN A UNIT, AS LONG AS I DON'T DISCRIMINATE AGAINST FAMILIES WITH CHILDREN? Yes, as long as your limit is not so restrictive that it has a disparaging impact against families with children. A good rule of thumb to use is two persons per bedroom plus one. (Do not set policies regarding the age or sex of children or other members of the household. Members of each household have the right to decide this for themselves).

**A**RE THERE ANY EXCEPTIONS TO THE LAWS PROTECTING FAMILIES WITH CHILDREN? Yes. Complexes designed for senior citizens are exempt if they meet certain exemptions set by state and federal law.

**C**AN I MAKE RULES WHICH GOVERN THE CONDUCT OF CHILDREN? Yes and No. Fair housing laws preserve your authority to adopt reasonable rules regarding the conduct of all tenants. If the rules only regulate the behavior that children engage in, they may be found to violate federal and state law.

**C**AN I SET A DOLLAR AMOUNT ON THE INCOME I REQUIRE OF PROSPECTIVE TENANTS? Yes, but this figure must be reasonably related to monthly rent and applied equally to all applicants regardless of income source.

**D**OES THE LAW LIMIT MY ADVERTISING? Yes. The law does not allow you to advertise a preference for a particular type of renter. So, you cannot advertise for a particular race, or for a family, or use discriminatory wording or imagery.