



FAIR HOUSING IS YOUR RIGHT!

Protect Yourself and Your Family Against Housing Discrimination

Have You Heard These Statements Before?

A landlord or manager tells you...

- “We don’t allow more than three people in a two-bedroom apartment.”
- “We don’t rent to children because the balcony and stairs are unsafe.”
- “There is no place for children to play.”
- “We only rent first floor units to families with children for safety or noise reasons.”
- “You might fit better in the apartment complex across the street.”
- “We just rented the apartment,” but the ad still appears.
- “Only adults live here,” but you realize later that the building is not a bona fide senior complex.
- “No three wheelers are allowed in this complex,” or other statements indicating overly restrictive rules that apply to children.

The statements above could be considered discriminatory. Be aware of often subtle signs of housing discrimination.



FAIR HOUSING ADVOCATES’ PROGRAMS AND SERVICES

- Intake, counseling and investigation of housing discrimination complaints and intervention/mediation with housing providers
- Referral and support when filing a complaint or lawsuit
- Assistance with reasonable accommodation/modification requests for people with disabilities
- Foreclosure prevention counseling and pre-purchase education/counseling
- Education programs for tenants, housing providers, and school children on fair housing and human rights

FAIR HOUSING ADVOCATES OF NORTHERN CALIFORNIA

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HOW CAN FAIR HOUSING LAWS PROTECT MY FAMILY?

What are housing discrimination laws and how do they protect families with children?

Federal and state fair housing laws require housing providers to treat prospective and current tenants equally. These laws prohibit housing discrimination based on: race, color, national origin, disability, familial status (the presence of minor children), gender/gender identity, religion, marital status, sexual orientation, source of income, immigration status, citizenship, or other arbitrary reasons such as age. A housing provider cannot refuse to rent to families with children or have overly restrictive regulations for children. Familial status discrimination may be linked to race, marital status, or national origin discrimination.

What activities are prohibited under fair housing law related to families?

- Charging higher security deposits to families with children
- Quoting higher rent to families with children
- Restricting families with children from renting units in upper levels, with balconies, or near the pool
- Segregating families to one part of the building
- Having overly restrictive rules and regulations for families with children in the use of the complex facilities, including the use of the pool and play areas in the complex
- Stating that the unit is not safe or appropriate for children
- Stating that there is no place for children to play
- Stating that only adults live in the complex, unless it is designated a senior complex
- Advertising in a discriminatory manner, for example, ads that state “No children” or “Prefer one adult”
- Evicting tenants because they become parents or adopt a child

Who is exempt from fair housing laws based on familial status?

Facilities which meet the strict criteria for bona fide senior housing are exempt from familial status discrimination and are not required to allow families with children to live in their property.

What can I do if I suspect housing discrimination?

Contact Fair Housing Advocates of Northern California at (415) 457-5025 / TDD: (800) 735-2922 or visit us at: www.fairhousingnorcal.org.

OTHER FAIR HOUSING LAWS PERTAINING TO FAMILIES WITH CHILDREN

Occupancy standards

Housing providers can set reasonable rules about the number of people who can occupy a house or an apartment, depending on the size of the unit and the number of bedrooms. Courts may reject more restrictive occupancy standards on the grounds that they violate the rights of families with children. One should look to the specific size of the unit and whether there is sufficient square footage per the Uniform Building Code when determining reasonableness of occupancy restrictions (120 sq ft for two occupants; 50 sq ft for each additional occupant).

Protections for family day care (See Section 1597.40 of CA's Health & Safety Code)

A housing provider cannot deny housing or evict tenants because they are running or plan to run a state-licensed family day care in their home. A family day care provides supervision to 6 or fewer children in a small family child care home or 12 or fewer children in a large family child care home (or more when certain conditions are met). The tenant must give the housing provider a 30-day notice before opening the family day care, and the provider may increase the security deposit; however, the landlord can only charge the maximum legal security deposit (two months' rent for an unfurnished unit or three months' rent for a furnished unit).