

Housing Discrimination Based on Familial Status is ILLEGAL

Housing Discrimination Laws

Federal Fair Housing laws prohibit housing discrimination based on: race, color, national origin, disability, familial status (the presence of minor children), religion, and sex/gender. California laws add protections based on gender/gender identity, marital status, sexual orientation, source of income, immigration status, citizenship, or other arbitrary reasons such as age. These laws apply to prospective renters as well as current tenants.

Protections for Families with Children

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, national origin, gender or disability discrimination.

Exemptions 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.

If You 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.

Fair Housing Advocates of Northern California



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Wheelchair accessible
Se habla español

Our Mission

To ensure equal housing opportunity and educate the community on the value of diversity in our neighborhoods.

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PROTECT YOUR FAMILY AGAINST HOUSING DISCRIMINATION



FAIR HOUSING ADVOCATES OF NORTHERN CALIFORNIA

www.fairhousingnorcal.org



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 (120 sq ft for two occupants; 50 sq ft for each additional occupant).

Protections for Family Day Care

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.

Activities 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 as 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

Contact us if you have experienced unfair housing practices or suspect 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.”
- “The apartment complex across the street might be a better fit.”
- “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.”
- 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.