

FAIR HOUSING REVIEW FAMILIES WITH CHILDREN

Discrimination against families is illegal!

The Fair Housing Act makes it illegal to discriminate in any type of housing related transaction on the basis of race, color, religion, national origin, gender, disability and familial status. The Fair Housing Act has protected familial status since 1988. Familial Status protects:

- Children under the age of 18 living in the household
- Pregnant women
- Any adult seeking legal custody of a child under 18

Penalties for violating fair housing laws

Violating the Fair Housing Act can be very costly. A victim of housing discrimination may file either an administrative complaint with U.S. Department of Housing and Urban Development (HUD) or a state or federal lawsuit. A prevailing complainant may be awarded actual damages, including both out-of-pocket costs and non-economic damages such as humiliation and mental anguish. In addition, punitive damages may be awarded. In administrative cases, a civil penalty of up to \$16,000 may be imposed for a first violation, and up to \$75,000 for a third violation. Finally, attorney's fees may be awarded to a prevailing complainant.

Local case example

Quality Realty Associates (QRA) denied a single mother and her young daughter occupancy in a one-bedroom unit in Bristol. The Housing Equality Center conducted a testing investigation and found evidence of discrimination. Both the Housing Equality Center and the single mother filed fair housing complaints and ultimately QRA agreed to pay \$31,000, submit to HUD monitoring and receive training to settle the discrimination complaints.

Examples of discriminatory practices Include:

“No kids” policies

Segregating housing so that families with children are only allowed in certain sections/ floors

Restricting children because of “unsafe conditions”

Rules that prohibit parents and children or male and female children from sharing a bedroom

Charging families with children a higher rent or security deposit than tenants without children

Advertising guidelines

It is illegal to print or publish a discriminatory advertisement with respect to the sale or rental of housing. Advertisements stating “no children” or “adults only” are considered discriminatory and therefore illegal under the Fair Housing Act. If it is found that an advertisement is indeed discriminatory, both the landlord and the publisher can be held liable.

Occupancy policies

HUD has stated that generally, an occupancy policy of two persons per bedroom is reasonable under the Fair Housing Act. Overly restrictive occupancy policies have a disparate impact upon families with children. However, the reasonableness of any occupancy policy can differ based on the number and size of bedrooms, the overall size and configuration of the dwelling unit, and the existence of municipal zoning laws.

Per capita charges

The Fair Housing Act requires an examination of "the totality of the circumstances" to determine a discriminatory impact against a protected class. Per capita charges more readily affect families with children since, in the typical case, differences in the number of individuals in a household will be related to the number of children in the family. Thus, in most cases, a per capita charge will have a disparate impact on families with children and therefore violate the Fair Housing Act. However, if a housing provider can offer a legitimate nondiscriminatory justification for the policy, then it may be permissible.

Children and the use of housing facilities

Families with children are also protected from discrimination in the use of housing facilities, including swimming pools, courtyards or other outdoor areas. Rules and regulations meant to uphold the health and safety of children in housing facilities should not completely exclude all children under 18 from access to the housing facilities.

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The Housing Equality Center is a nonprofit organization leading the effort to eliminate housing discrimination in Pennsylvania through education, advocacy and enforcement of fair housing laws. We provide victims of discrimination with legal help, perform testing to determine the existence of discrimination, educate the public, consult with and train housing providers, and work with housing and related service providers to ensure compliance with anti-discrimination laws. We assist housing discrimination victims and conduct testing investigations in Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia Counties.



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