



RECENT FAMILIAL STATUS COMPLAINT SETTLEMENTS

A landlord posted signage outside a four-bedroom rental house stating "For Rent. No Children." A family with three children was not allowed to view the house or apply to rent it because of the young children. The case settled for monetary damages, attorney fees, signage, a written rental policy, and Fair Housing training.

A couple told their landlord they were having a baby, at the time when their lease for a large, one-bedroom apartment was to be renewed. The landlord did not renew because the lease specified occupancy by two adults. The case settled for monetary damages, attorney fees and Fair Housing training.

The Fair Housing Act prohibits discrimination in housing-related transactions, because of familial status (families having children under the age of 18 living with them). Examples of direct discrimination include statements, signage and restrictive policies that single out children. Occupancy restrictions should be analyzed in a framework that considers a totality of factors, such as size, configuration of rooms and the age of the children.

FAIR HOUSING DOCUMENTARIES

"Where Does the American Dream Live?" - In 1976, Chicago provided African-American families vouchers to move into

Immigration Status and Housing Discrimination

The U.S. Department of Housing and Urban Development (HUD) provided a Q&A published in 2012 and excerpted below. For the full text go to:

<http://www.equalhousing.org/wp-content/uploads/2014/09/2012-Immigration-Status-FAQ.pdf>

Q. Does immigration status affect whether a person is covered by the Fair Housing Act (FHA)?

A. No. Discrimination based on race, color, national origin, religion, sex, familial status and disability is illegal regardless of a person's immigration status. For example, it is illegal discrimination under the FHA when a landlord charges a different rental price or asks for additional identification documents because of a person's national origin.

Q. Does the Office of Fair Housing and Equal Opportunity inquire into the immigration status of people who file fair housing complaints?

A. No.

Q. What if a landlord or neighbor threatens to report someone to Immigration and Customs Enforcement (ICE)? What if a person reports discrimination to HUD?

A. It is illegal to interfere with rights that are granted or protected by the FHA (for example, threatening to report someone to ICE if he or she complains of housing discrimination to HUD). If a person comes into contact with ICE after filing a complaint with HUD, the person should let ICE know that. See the ICE policy on individuals pursuing legitimate civil rights at <https://www.ice.gov>.

Q. Does the FHA apply even if local laws do not provide the same protections?

A. Yes. The federal FHA is enforceable whether or not a local ordinance or state law exists.

Q. Can a landlords ask for immigration documents?

A. Yes, as long as they are asking for the same information from all applicants and tenants.

predominantly white suburbs. This short video looks at what happened.. (2016) 14 minutes. <http://www.nytimes.com/video/us/100000004655947/where-does-the-american-dream-live.html>

"A Matter of Place" - This production tells the stories of three people who faced housing discrimination in New York City. (2014) 26 minutes. <https://www.youtube.com/watch?v=WkYfa5IX-nU>

"Housing Discrimination: Who Should Ever Have to Get Used to That?" - A law professor describes her personal experience with discrimination when she tried to rent an apartment in Richmond, Virginia. (2011) 7 minutes. <https://www.youtube.com/watch?v=5iuZY1tspds>

"Brick by Brick" - This documentary examines the difference housing opportunities can make in the lives of families. (2007) 60 minutes. <http://www.brick-by-brick.com/hbo.html>

"The House We Live In" Episode 3 of "Race: The Power of An Illusion." - Episode 3 explores how social institutions advantage some groups at the expense of others. (2003) 60 minutes. <https://www.youtube.com/watch?v=Na-FTV0jOQ>

In September 2016, HUD's Office of General Counsel published guidance regarding fair housing protections for individuals who have a limited ability to read, write, speak, or understand English (also known as or LEP or Limited English Proficiency). LEP individuals are not a protected class under the FHA, but housing decisions based on LEP usually relate to race or national origin, which are protected classes. In particular, Courts are finding links between language and national origin discrimination.

The guidance describes two kinds of LEP discrimination: intentional and discriminatory effect. Examples of intentional discrimination include advertisements that state "all tenants must speak English," or practices that turn away all applicants who are not fluent in English. Unjustified discriminatory effects might occur when a facially neutral policy or practice has a discriminatory effect because of race, national origin or other protected characteristic. This type of discrimination is analyzed under a three-step, burden-shifting standard requiring 1) a fact-specific analysis, 2) evaluating whether the challenged policy is necessary to achieve a substantial, legitimate, nondiscriminatory interest, and 3) evaluating whether there is a less discriminatory alternative. The fact specific analysis can make use of census data or similar information. A housing provider's substantial, legitimate interest cannot be hypothetical, speculative or based on stereotypes. Examples of less discriminatory alternatives could include allowing a tenant the time to take a lease to be translated or using the language skills of family members.

To read the full document go to:

<http://portal.hud.gov/hudportal/documents/huddoc?id=lepmemo091516.pdf>

This newsletter is made possible through grants from the U.S. Department Housing and Urban Development.