

What is Familial Status Housing Discrimination?

Familial status is a protected characteristic under federal, state, and local fair housing laws. You are protected from familial status discrimination in all aspects of housing, including when renting, buying, or selling a home, or while residing in your home. That means that you cannot be treated differently by landlords, sellers, agents, banks, management companies, operators of facilities, co-op boards, or other housing providers because you are a family with a child under the age of 18 who lives with a parent or with a person who has legal custody of a child. You are also protected if you are pregnant or if you are anticipating having legal custody of a child under the age of 18.

What are some examples of familial status housing discrimination?

- Refusing to rent to families with children
- Designating certain areas of a building or complex as "no families" or "families only," such as limiting families to only the first floor
- Telling a prospective renter with children that they wouldn't enjoy living in a building designed for younger tenants without children
- Excluding children due to the presence of lead paint (Lead paint must be removed or abated)
- Banning children from using a building's amenities, for example pools or lawn areas
- Using zoning or permitting regulations to restrict housing developments that might bring more children into a community

Do housing providers have to accept families of any size?

No. Housing providers are permitted to establish reasonable occupancy standards for the number of persons who can occupy a home. But while "two persons per bedroom" was often considered the standard limit in the past, it is outdated. The allowable limit can vary depending on several factors, including the size and configuration of the room.

Isn't housing for older persons exempt?

Housing for older persons is exempted from the prohibition against familial status discrimination if:

- all units are occupied by people 62 years of age or older;
- 80% or more of the units are occupied by at least one person 55 years of age or older; or
- the U.S. Department of Housing and Urban Development has determined that the housing is specifically designed for and occupied by elderly persons under a government program.

Where can I learn more?

If you think you are experiencing any form of housing discrimination, contact the FHJC. We will help sort out the facts and provide you with information about your rights and options under fair housing laws. You can also contact us – anonymously if you prefer – if you know about housing discrimination that is happening to others. Our counseling and investigative services are provided for free, regardless of income.