

MIAMI VALLEY FAIR HOUSING CENTER

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Fair Housing for Families with Children: **Federal and state laws forbid discrimination in housing transactions because of "familial status."**

- What does the phrase "familial status" mean?

"Familial status" means having a child under age 18 in the household, whether living with a parent, a legal custodian, or their designee. It also covers a woman who is pregnant, and people in the process of adopting or gaining custody of a child.

- What actions does the law prohibit?

No one may deny housing, limit access to housing, discourage home seekers, or create different rules, fees, or standards because the family has or is expecting (a) child(ren). This includes rentals, purchases, lending, advertising, and any other transaction within the housing industry.

- Does this mean that a landlord must rent to or cannot evict any household with children?

No. A housing provider has the right to refuse rental applications or evict tenants based on objective criteria, such as a credit history or bad tenant history. A housing provider should set criteria and apply them equally to each household whether it has children or not.

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- Can a landlord make rules about how children should behave?

Reasonable rules are appropriate, but not everyone agrees what is "reasonable." Here are some guidelines. In general, rules should apply to all tenants, and not just children. Rules that set limits may be reasonable if they are based on realistic not exaggerated health and safety concerns. Rules should address behavior, not status and should not be so restrictive that families with children do not get equal use and benefit of the housing.

- Can a landlord decide which units are better for families with children?

No. Designating specific units for families with children is called "steering" and is illegal. Landlords should give applicants objective information about what is available and let applicants decide what unit is suitable for their household.

- Can a landlord set limits on the number of occupants?

Restrictive occupancy limits have the effect of discriminating against families with children. Begin with the guideline that any such limit should not be more restrictive than two persons per bedroom, and then consider the size and configuration of rooms and total livable space. Two per bedroom may be unreasonably restrictive depending on all the circumstances viewed as a whole.

- Is there any type of housing exempt from these requirements?

The only type of housing that can exclude households with children is qualified housing for seniors. Those who intend to operate senior housing should get adequate information about meeting the qualifications

If you believe you have been discriminated against, call

937-223-6035

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