

## WHEN IS REFUSAL TO RENT ILLEGAL HOUSING DISCRIMINATION?

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People often assume that any discrimination by a landlord is illegal. However, to “discriminate” means simply to distinguish among available choices. Some of these distinctions are lawful; others are not. Thus, in deciding to whom to rent, a landlord may lawfully reject someone with a bad rental, credit or employment record, or whose income suggests that he/she will be unable to pay the rent. A landlord may also refuse to rent to a person whose rental history suggests that he/she will not take care of the property, or will in other ways be irresponsible. All of these are perfectly legal bases for discriminating among rental applicants and selecting those likely to be “good” tenants.

**Unlawful discrimination is that which is not based upon merit but upon a person’s being one of a particular group to which a landlord, for whatever reason, does not want to rent.**

Federal law prohibits housing discrimination upon the following seven bases:

- *race*
- *color*
- *religion*
- *sex*
- *national origin*
- *disability (physical or mental)*
- *family status (a family which includes minor children)*

In addition, Maryland law and the laws of various local jurisdictions forbid discrimination upon the basis of *sexual orientation, marital status, age, source of income, and occupation.*

Federal law defines discrimination as:

- refusing to rent or sell
- setting different terms and conditions for sale or rental
- falsely denying that housing is available for rent or sale
- publishing discriminatory ads

**If a landlord or rental agent does or says something which suggests that he/she has refused to rent or has falsely stated that nothing is available because of your race, color, religion, sex, or national origin, you *may* have been the victim of illegal housing discrimination.**

Blatant refusal to rent because of race, color, etc. seldom occurs nowadays. Unlawful discrimination usually assumes more subtle forms.

- If, for example, you inquire about renting in an apartment development and are told nothing is available, but are referred to another development, this **may be** illegal racial steering. Similarly, if you ask about renting in a particular building, but are told about units available in other buildings, this could also be racial steering.

- If you are looking for a 3 bedroom apartment for you and your four minor children, and are told that the development has a policy of placing all families with children on the first floor, or in a separate building, this could be unlawful discrimination against families with children. Or, if you are told that the landlord has a policy of no more than one child per bedroom, that policy may also be an illegal form of discrimination.

In addition to the other protections provided, the federal Fair Housing Act contains special protections for *people with disabilities*:

- Landlords are required to make any *reasonable* exceptions to their usual rules, policies, practices, or services required to permit a person with a disability to use and enjoy his/her home. These are called *reasonable accommodations* and must be made at the landlord's expense. *Reasonable accommodations* include such things as making an exception to a "no pets" policy for a person who needs a service animal, or providing a reserved, designated parking space for an individual with a mobility impairment. The kinds of *reasonable accommodations* which may be requested would depend upon individual need. The "reasonableness" of a particular request can be determined on a case to case basis: if a particular accommodation would involve the expenditure of a large amount of money or cause undue inconvenience for other tenants, it may limit the "reasonableness" of that request.
- Landlords are also required to allow a tenant, *at the tenant's own expense*, to make such "reasonable modifications" in the premises as are necessary to permit him/her to live in and enjoy the dwelling. These include such things as widening a doorway to accommodate a wheelchair, lowering kitchen cabinets to make them accessible to a person in a wheelchair, installing grab bars in a bathroom or constructing a ramp to provide access to an entrance.
- Apartments and condominiums constructed for first occupancy after March 13, 1991 must be designed and constructed so as to be fully accessible to people with disabilities. If there is an elevator, all units must be accessible. In addition, all public and common use areas must be accessible. There must be an accessible entrance on an accessible path, doorways must be wide enough to accommodate a wheelchair, environmental controls must be accessible, and kitchens and bathrooms must be able to accommodate the disabled.

**If you suspect that you have been the victim of illegal housing discrimination, or if you need assistance in determining whether you may have been, call BNI's Fair Housing Staff at (410) 243-4400.**