

FAIR HOUSING is a right protected by the Federal and State laws. Fair housing means you may freely choose a place to live without regard to:

- ✓ Race
- ✓ Color
- ✓ Religion
- ✓ National Origin
- ✓ Sex
- ✓ Handicap
- ✓ Familial Status



If you feel you have experienced discrimination in renting or buying a residence, please contact:

Preble County Commission Office  
101 East Main Street  
Eaton, OH 45320  
(937) 456-8143



## FOUR IMPORTANT FACTS TO REMEMBER:

- 1** Families with children need a place to live just like everyone else.
- 2** Under Federal and State law, it is illegal to discriminate against families with children on the terms, conditions, privileges, services or facilities in the sale or rental of housing.
- 3** Beware of occupancy limits! Acceptable guidelines are based on square footage per person, such as 150 square feet for the first person and 100 square feet for each additional person.
- 4** The law applies to prospective and current tenants. Persons should not be discouraged from renting, be turned down, treated differently or evicted simply because they have kids or are pregnant. However, material violations to a lease, such as destruction of property, may be grounds for eviction.

# CHILDREN AND HOUSING



## WHAT YOU SHOULD KNOW ABOUT CHILDREN AND FAIR HOUSING LAWS

FAMILIES WITH CHILDREN have a right to live where they can afford to live. Housing discrimination against families with children is no longer legal in any state in the nation. Title VIII of the Civil Rights Act, the Fair Housing Act of 1968 was amended in 1988 to include FAMILIAL STATUS as a protected class. Simply stated, familial status is defined as one or more individuals who have not yet reached the age of 18 years residing with a parent or other person having legal custody. Protection also applies to any person who is pregnant or is in the process of securing legal custody of any individual under the age of 18 years. This means that families cannot be denied the housing of their choice simply because they have children.

Only the following are legal exceptions for the exclusion of the children from housing:

- \* Everyone in the building is over 62 years of age
- \* 80% of the units have at least one occupant over the age of 55 and the building provides significant facilities and services to meet the needs of older persons
- \* The building is part of a federal or state program that provides housing for elderly people.

DISCRIMINATION is usually subtle. Landlords and real estate agents usually don't say, "We don't accept kids." Instead, you are more likely to hear:

- ✓ "We take younger children, but teenagers will disturb other tenants."
- ✓ "This complex isn't suitable for children. There is no playground or open space."
- ✓ "For your child's sake, I think you'd be happier living someplace else."
- ✓ "Sure, we rent to families with kids, but we'll need an extra security deposit."
- ✓ "Only three people are allowed in a 2-bedroom unit."
- ✓ "You have a boy and a girl so you will need a 3-bedroom apartment. This one only has 2 bedrooms."
- ✓ "Children are only allowed in the basement and first floor units."
- ✓ "Sorry, a parent and child cannot share a bedroom."
- ✓ "We only allow one child per bedroom."
- ✓ "You're pregnant, so this one bedroom apartment isn't big enough for you."

## SUGGESTIONS FOR SUCCESS IN RENTING TO FAMILIES WITH CHILDREN

- \* Rules should apply to specific actions and not to children only. For example, "No running in the pool area."
- \* Rules must be based on legitimate and reasonable safety concerns or common courtesy. Rules must not make it unrealistic for families with children to reside there. For example, "All sidewalks and driveways must be kept clear of obstruction or safety hazards" would be considered reasonable.
- \* Specific problems which arise should be addressed one-on-one between the manager and the offending party.
- \* Families with children should not be limited to certain areas or floors of the complex or building.

A landlord does have the right to check the rental history of all housing applicants. The landlord is permitted to refuse to rent to a family with children if the applicant family has bad credit or poor references only if the rental history or credit check is required of all housing applicants.