



## **FIVE FACTS EVERY PARENT SHOULD KNOW ABOUT THEIR HOUSING RIGHTS**

By Jo Becker, Education/Outreach Specialist, Fair Housing Council of Oregon

As housing providers, you should know that federal, state, and local fair housing laws<sup>1</sup> make it illegal for housing developers, landlords, Realtors®, homeowners associations, shelters, (etc.) to deny housing to families with children or to place unreasonable restrictions on them. Of all the alleged acts of discrimination each year, those made on the basis of familial status is among the most common of all the protected classes – this is true nationwide, as well as here in Oregon.

Following is a reprint of a media release from HUD that aims to inform parents of their right to buy, rent, and live in the home of their choice regardless of whether or not there are children in the home. If children live in your home, obviously, you have these same rights as well. We encourage you to review these familial status rights from the lens of both the housing consumer (which is the tone of this media release), as well as your responsibilities under the law as housing providers.

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### **1. You Cannot Be Denied Housing Because You Have a Child**

Although it has been illegal for 20 years, many housing developments and apartment buildings still have rules prohibiting families with children or families expecting a child. With the exception of senior housing and small properties where the owner resides <NOTE: The small property exemption, known as 'the Mrs. Murphy's Exemption,' is not valid in Oregon. Oregon fair housing laws provide greater protection by effectively nullifying this exemption.>, such provisions are always illegal. HUD takes these matters seriously and will take action when it sees housing developments keep parents out.

For example, last year a parent reported that an apartment building in Highwood, Illinois, refused to rent to her because of her child. The parent wished to remain anonymous, so a local fair housing organization sent testers to the property to see if they treated families with children different from applicants without children. The tests showed that the property owner discouraged families with children from renting apartments and informed parents that the units were for single people. The fair housing organization filed a complaint with HUD. After a thorough investigation, HUD charged the owners with discrimination against families with children.

### **2. You Cannot Be Evicted From Housing Because You Have Child**

While the birth of a child is usually a time for celebration, some landlords feel it is also the time for new parents to find another place to live. Though such actions are illegal, many facilities evict parents because they are expecting or have given birth to, adopted, or obtained custody of a child.

In one recent case, Shelia Brown was living in Summer Place Apartments in Las Vegas, Nevada when she obtained custody of her daughter. Less than a month later, the apartment manager told her to find a new place to live, because children were not allowed on the property. Ms. Brown filed a complaint with HUD, whose investigation uncovered that the management had forced other tenants to leave when they were pregnant or obtained custody of their children. In January 2008, Summer Place agreed to pay \$75,000 to Ms. Brown and other families who were mistreated.

### **3. Families Cannot Be Restricted to One Area of a Building or Complex**

Some housing complexes allow families but restrict them to lower floors or to certain areas of the property. Both restrictions are illegal.

Sherri McLathian wanted to find an affordable home in a good school district for her two children. She thought she located an ideal townhouse in a new development called Victorian Village in Gurnee, Illinois. When she inquired about buying the homes, the sales person informed her that her children

were not wanted in the neighborhood and would be the only ones there. The saleswoman then informed Ms. McLathian that no town homes were available. Ms. McLathian filed a complaint with the State of Illinois, which handled the case under an agreement with HUD and negotiated a \$12,000 settlement for Ms. McLathian.

#### **4. Rules Cannot Unfairly Target Children**

Many parents are unaware that it is illegal for landlords to make rules specifically against children. For example, a landlord cannot forbid children from a common area that adults are allowed to use.

Recently, six families in St. Louis settled complaints against Ridgecrest Apartments for overly restrictive rules against children. The landlord had required anyone under the age of 18 to be supervised anytime they were outside of their apartments. The rule was so strict that teenagers were not allowed to talk to their friends in the hallway without a parent present. In December 2007, the owners and managers of Ridgecrest agreed to a \$170,000 settlement to compensate the families and create an after-school program for children on the property.

#### **5. Advertisements Cannot State That Children Are Not Wanted**

Finally, no property, other than seniors-only housing, is allowed to advertise that it is restricted to adults or that it will not allow children.

Lolita Lindo was searching for an apartment for herself and her 10-year old son because her landlord had recently raised the rent by a few hundred dollars a month. She saw a "For Rent" sign on a grey flagstone property in her neighborhood that she thought would be perfect. The sign read "For Rent for two persons, Apartment Two Bedroom, No kids..." Ms. Lindo filed a complaint with HUD and in December 2007, a judge ordered the owner to pay her \$20,000.

For more information about familial status protection, visit [www.FHCO.org/discrimination-in-oregon/protected-classes/familial](http://www.FHCO.org/discrimination-in-oregon/protected-classes/familial). Our housing provider page ([www.FHCO.org/information-for-housing-providers](http://www.FHCO.org/information-for-housing-providers)) and the guidebooks page ([www.FHCO.org/learning-resources/guidebooks](http://www.FHCO.org/learning-resources/guidebooks)) will also be of interest.

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<sup>1</sup> Federally protected classes under the Fair Housing Act include: race, color, national origin, religion, sex, familial status (children), and disability. Oregon law also protects marital status, source of income, sexual orientation, and domestic violence survivors. Additional protected classes have been added in particular geographic areas; visit [FHCO.org/mission.htm](http://FHCO.org/mission.htm) and read the section entitled "View Local Protected Classes" for more information.