

## Frequently Asked Questions Fair Housing for Residents

### Fair Housing Laws and Renting a Home

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#### Is discrimination really still a problem?

Yes. While you may not recognize all forms of illegal discrimination, many housing providers have policies and practices in place which are illegally discriminatory. For example, common illegal discriminatory practices may include the following:

- A landlord who only rents to “little old ladies”
- A landlord who refuses to rent to families with children
- A landlord who refuses to make reasonable accommodations to accommodate a persons with disabilities
- A landlord who advertises their home as “a perfect bachelor pad”
- A landlord who segregates tenants based upon age, familial status, ability, etc.
- A landlord who sets different lease terms or provides different housing privileges according to your status as a member of a protected class (see the list of protected classes to the right)

#### What questions can a landlord ask on a rental application?

An application serves one legitimate purpose: To give the landlord information about whether you will be a good tenant. If any of the questions do not seem to serve this purpose, you ought to ask the landlord why he needs the information – it may be for illegally discriminatory reasons. For example, questions concerning age, sex, race, religion, or marital status that do not seem to pertain to whether or not you will be a good tenant may be discriminatory. Information which the landlord is permitted to ask includes the following: The names of everyone who will be living in the home, the places where you have lived the past few years, your place of employment and amount of income, financial information about debt, and if you are over the age of 18.

#### My landlord is often rude to me and habitually is very slow in making repairs. Is this a violation of fair housing laws?

It is a violation of fair housing laws for your landlord to discriminate against you because of your status as a member of a protected class; however, there is no law against your landlord being rude, and if the landlord makes everyone’s repairs slowly or not at all, then it is not discrimination. If your landlord singles you out for poor treatment, you must show that the landlord treats you differently because of your status of member of a protected class.

#### I have an emotional support dog. I was told that the building has a “no pets” policy. Is this illegal?

A service animal is not a pet, and is considered a reasonable accommodation. Regardless of a “no pet” policy, the apartment building must allow you to rent a unit and live there with your service animal. In addition, they are not permitted to charge a pet deposit. Your landlord may request documentation from your doctor stating your need for a support animal.

#### My apartment building has a sign posted stating that children under age 18 may not use the swimming pool after 3pm. Is this allowable under Fair Housing law?

While there are reasonable rules for safety, such as a child under the age of 12 being accompanied by an adult, etc. it is illegal to have “adult swim” hours. They may designate a part of the pool for lap swimming, available to all tenants or they may close the pool to *everyone* at a certain time. Setting adult swim hours is an example of providing different housing services, privileges, or facilities based upon membership in a protected class.

Illegal discrimination occurs when you are treated differently than another similarly situated person because you belong to a protected class.

#### Protected Classes:

- Race
- Religion
- Color
- Gender
- National Origin
- Disability
- Lawful Source of Income
- Familial Status
- Sexual Orientation
- Marital status
- Ancestry
- Age
- Status as a victim of domestic/sexual abuse or stalking

**I have a son and a daughter. Recently, a landlord told me that we could not rent a 2-bedroom apartment because children of opposite sexes cannot be in the same room. Is this allowable?**

No. At one point in time, HUD had rules addressing children of opposite sexes, but HUD does not have this rule any longer. Denying a unit to a family because they have children of opposite sexes is a direct violation of the fair housing laws. Additionally, it is illegal for a landlord to set unreasonable occupancy standards. If a landlord sets standards which are more restrictive than the City, they must be consistent for all tenants and be done in a manner that does not exclude protected classes such as families and children.

**My landlord says that I am not permitted to install a grab bar in the bathroom to accommodate the fact that I am in a wheelchair.**

Although Wis. Stat 704.05(3) states that a tenant may not make alterations to the unit without the consent of the landlord, the right of a tenant with a disability to make a reasonable modification is a very important exception. While you may be required to pay for a reasonable modification, the landlord **must permit** tenants with disabilities to make reasonable modifications in both private and communal areas of the apartment building. In addition, the landlord must make reasonable accommodations for a person with disability. Reasonable accommodations include changing a rule, practice, or policy to benefit someone with a disability.

## **Fair Housing Laws and Buying or Selling a Home**

**I am Latina and my real estate agent only shows me houses in a neighborhood behind a Mexican grocery store. Is this allowable?**

No. It is a violation of fair housing laws for a real estate agent to steer you to a certain neighborhood based upon your status in a protected class. The racial and ethnic composition of a neighborhood ought not be a factor in which houses your agent chooses to show you.

**I am selling my house, and I can sell it to whomever I choose – after all, it’s my house, right?**

You have the right to sell your home to anyone at your required price **as long as you don’t discriminate** among otherwise qualified buyers on the basis of race (or color, religion, sexual orientation, or other protected class status). If you refuse to deal with a buyer based upon discriminatory reasons you are violating fair housing laws and opening yourself up to a fair housing lawsuit, as well as putting your real estate agent’s license in jeopardy.

**I am selling my house and would like my friend’s daughter to buy it. I am willing to accept a lower price and worse terms for her to be able to buy the house. Is this allowable?**

Yes. Fair housing laws are designed to protect sellers from discriminating against buyers based on their protected class. You are free to accept a lower offer and worse terms from a friend or family member. You should be prepared, however, to document why the lesser offer was chosen, just in case someone thinks their higher offer was denied for discriminatory reasons.

## **Fair Housing Laws and Financing a Home**

**I am a 76 year-old woman. I have heard that predatory lenders often target elderly women and minorities. How do I protect myself from predatory lending practices?**

- Attend a homeownership education course.
- Read everything carefully and ask questions.
- Shop for a lender and compare costs.
- Before signing, have your contract and loan agreement reviewed by an attorney, or consult with a trusted real estate agent or a HUD housing counselor.
- Do not let anyone persuade you to make a false statement on your loan application, such as overstating your income.
- Do not let anyone convince you to borrow more money than you know you can afford.
- Never sign a blank document or a document containing blanks.
- Remember, if an offer to purchase or refinance your home sounds too good to be true, it probably is!