

WHAT IS “FAMILIAL STATUS DISCRIMINATION”?

“Familial status discrimination” is unfair treatment by a landlord because you have children.

WHAT TYPES OF UNFAIR TREATMENT ARE ILLEGAL?

It is against the law for a landlord to:

- Ask whether you have children;
- Say s/he prefers tenants who don’t have children;
- Advertise for “adults only” or “mature adults”;
- Discourage you from applying for or viewing a place because you have children (for example, by saying that there is “no place for children to play,” or “this building is dangerous for children”);
- Lie about the availability of housing because you have children;
- Refuse to rent to you because you have children;
- Evict you because children move in or a baby is born after you move in;
- Charge you a higher security deposit based on the presence or number of children;
- Segregate tenants with children (for example, in ground floor units only);
- Create or enforce unfair rules against children (for example, pool hours; rules against playing in common areas; unreasonable curfews);

- Threaten or harass you because you have children (this includes threatening or harassing your children);
- Threaten or fire an employee who refuses to discriminate.

WHAT CAN MY LANDLORD DO?

Health and Safety Rules

Landlords can have *reasonable* health and safety rules to protect children from harm. For example, landlords can exclude young children from hot tubs, or require that an adult supervise small children in the pool area.

Occupancy Restrictions

Landlords are permitted to have reasonable restrictions on the *number* of occupants of an apartment. In California, landlords can limit occupancy to two people per bedroom plus one in another room. If an apartment is large, or has an extra room like a den, it may be okay to have more people than “two per bedroom plus one.” The reasonableness of the occupancy restrictions may also depend on the ages of the children in an apartment.

Housing for Older Persons

Landlords may refuse to rent to young people or families with children if the apartment complex they own qualifies as “housing for older persons.” There are three categories of this type of housing:

- 1) federal or state sponsored housing for older persons;
- 2) complexes in which every tenant is 62 or older (with the exception of

caregivers and employees of the apartment complex);

- 3) complexes in which at least 80% of the apartments are occupied by at least one person 55 or older, if the landlord can verify the ages of tenants and has policies and procedures that show an “intent” to provide housing for people 55 and older (for example, by stating this intent in your rental agreement, or on signs in the complex).

WHAT SHOULD I DO IF I AM DISCRIMINATED AGAINST?

As soon as the discrimination happens, make notes about:

- ✓ What happened
- ✓ Where it happened
- ✓ When it happened
- ✓ Name, address, and phone number of the landlord and/or manager
- ✓ Names, addresses, and phone numbers of any witnesses who saw or heard what happened, including anyone you talked to about the unfair treatment

Keep records such as:

- ✓ **Newspaper ads**
- ✓ **Apartment rules**
- ✓ **Warning notices**
- ✓ **Eviction notice**

If you are a victim of housing discrimination, you can get help. The South Bay Fair Housing Project provides *free* legal help with:

- Making complaints to government agencies;
- Investigating unfair treatment;
- Convincing landlords to follow the law; and
- Suing landlords in court, when necessary.

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A program of

**Bay Area Legal Aid and the U.S. Department
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In collaboration with

**Mid Peninsula Citizens for Fair Housing
and Project Sentinel**

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HOUSING DISCRIMINATION:

FAMILIES WITH CHILDREN

(“Familial Status”)



For help, call the

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